

Chapter 10.5

LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS*

- Art. I. In General, §§ 10.5-1—10.5-25
- Art. II. Itinerant Vendors, §§ 10.5-26—10.5-35

ARTICLE I. IN GENERAL

Sec. 10.5-1. Required; fees.

The following operations, activities or events shall require licenses as a condition prior to such operations, activities or events taking place or being operated or maintained:

<i>Operation, Activity or Event</i>	<i>Fee for Licenses</i>
Billiards, and pool tables for hire, per table	\$ 10.00
Bowling alleys, per lane	5.00
Auctioneer	25.00
Junk dealer (cars, parts or other durable objects)	25.00
Coin- or token-operated electric or mechanical machines of amusement, including but not limited to jukeboxes, per machine	25.00
Mechanical-electronic amusement devices, including video games, per machine . . .	50.00
Movie theater or movie machines or mechanical projection machines, per machine .	200.00
Transient vendors and sales of holiday products, including but not limited to flowers, fruits, vegetables, Christmas trees, wreaths, grave blankets, etc., except the sale of trees, vegetables, fruits and flowers grown on the same premises, per day	25.00
Dealer and/or distributor of mechanical, electric or electronic machines	100.00

(Ord. No. 249, § I, 4-5-83; Ord. No. 277, § I, 2-7-84)

Cross references—Oil burners, etc., licenses and installation permit, § 6-3; building permits and fees, § 6-21 et seq.; alarm systems, § 12-41 et seq.; solicitors, canvassers and hawkers, Ch. 16; street excavation permits, § 17-18 et seq.

Cross reference—License fee for itinerant vendors, § 10.5-34.

Sec. 10.5-2. Term.

All licenses and permits, except for those issued for a definite period of less than one (1) year, shall be valid from date of issue until October 1 following the date of issuance, unless sooner revoked under the provisions of this chapter. Fees for licenses issued on or after April 1 of any year shall be reduced by fifty (50) percent and shall expire on the next following October 1. This reduced fee shall not apply to per diem licenses or those issued for a definite period. (Ord. No. 249, § II, 4-5-83; Ord. No. 277, § II, 2-7-84)

*Editor's note—Ord. No. 249, adopted Apr. 5, 1983, effective Apr. 30, 1983, did not specifically amend this Code; hence inclusion of §§ I—XI as Ch. 10.5, §§ 10.5-1—10.5-11, was at the discretion of the editor.

Sec. 10.5-3. Issuing authority.

The police chief or his designee shall issue the above-stated licenses and permits, and shall provide suitable forms and blanks and applications, and shall keep proper records of all licenses and permits and applications therefor as well as proper records of all amounts received for such licenses. (Ord. No. 249, § III, 4-5-83; Ord. No. 277, § III, 2-7-84)

Sec. 10.5-4. Form of license.

Every license or permit shall be signed by the issuing authority and the fee paid to the issuing authority for use in the town's general fund before such license or permit shall be in force. It shall be the duty of the person issuing such licenses and permits to ascertain whether the fee is paid. Licenses and permits shall be numbered, and shall contain a condition that every person acting under the same shall conform to the representations of the applications therefor and to the ordinances of the City, and such other terms and conditions as the particular circumstances of each case shall, in the judgment of the issuing authority, require. (Ord. No. 249, § IV, 4-5-83; Ord. No. 277, § IV, 2-7-84)

Sec. 10.5-5. Records.

The issuing authority shall, in a record book kept by him for that purpose, enter a memorandum of every license or permit issued to it, with the number, the date, the name of the person to whom issued, the purpose for which it is issued, the date of expiration, any special condition included therein, and the amount of fee charged therefor. (Ord. No. 249, § V, 4-5-83; Ord. No. 277, § V, 2-7-84)

Sec. 10.5-6. Compliance with all laws and regulations.

All applicants for such license shall be required to obtain all other municipal, state or other governmental approvals for the particular use applied for; and the issuance of a license shall in no way be construed to imply that all other governmental rules and regulations and laws have been met, it being the full responsibility of the applicant to assure that all such laws and regulations have been satisfied before the applicant's receipt of such license or permit. (Ord. No. 249, § VI, 4-5-83; Ord. No. 277, § VI, 2-7-84)

Sec. 10.5-7. Display of licenses.

All licenses shall be posted permanently and conspicuously at the location of the machine or device on the business premises where such machine or activity is to be maintained. (Ord. No. 249, § VII, 4-5-83; Ord. No. 277, § VII, 2-7-84)

Sec. 10.5-8. Revocation.

The issuing authority may at any time revoke a license or permit for any breach of the terms and conditions thereof, upon giving to the person to whom the same is issued notice of such revocation, and making a record thereof; and from the time of such notice, any act done under color of such license or permit shall subject the person, firm or corporation doing or

suffering it to be done to the same penalty as if he had done such act without such license or permit, unless such revocation is disapproved as hereinafter provided. (Ord. No. 249, § VIII, 4-5-83; Ord. No. 277, § VIII, 2-7-84)

Sec. 10.5-9. Appeal.

If any person shall feel aggrieved by the neglect or refusal of the issuing authority to issue a license or permit, or by the terms or conditions therein imposed, or by any revocation of such license or permit, as aforesaid, he may appeal to the town council, upon giving notice in writing to the issuing authority and the town council within ten (10) days thereafter; and until such terms, conditions or revocations are disapproved by the town council, they shall be binding upon the appellant; and the town council may order such modification as it may deem proper, not inconsistent with the town ordinances. The town council shall hold a hearing thereon and render a decision within thirty (30) days of notification of such appeal. (Ord. No. 249, § IX, 4-5-83; Ord. No. 277, § IX, 2-7-84)

Sec. 10.5-10. Penalty.

Any person who violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00), (Ord. No. 249, § X, 4-5-83; Ord. No. 277, § X, 2-7-84)

Sec. 10.5-11. Exemptions.

The issuing authority may permit exemptions from the payment of fees only for any nonprofit organization making application for such a fee or permit. The nonprofit organization shall fulfill all other requirements of this chapter except the payment of fees therefor. The issuing authority may also exempt from registration any East Haven based youth group or school organization from the requirements of registration. It is recommended, however, that the issuing authority be advised of any home-to-home solicitation in order that the issuing authority will know what activities are taking place in various portions of the town from time to time. Any farm products which are grown and sold on the same premises within the town shall be exempt from all provisions of this chapter. Owners and exclusive lessees of the property upon which said holiday products are displayed or sold shall be exempt from all provisions of this chapter.

(Ord. No. 249, § XI, 4-5-83; Ord. No. 277, § XI, 2-7-84)

Secs. 10.5-12—10.5-25. Reserved.

ARTICLE II. ITINERANT VENDORS*

Sec. 10.5-26. Definitions.

As used in this article:

Itinerant vendor shall mean any person, whether principal or agent, who engages in a temporary or transient business, either in one location or traveling from place to place, selling goods, wares and merchandise, and who, for the purpose of carrying on such business, hires, leases or occupies any building, structure or parcel of real estate in the town for the exhibition and sale of such goods, wares and merchandise.

Person shall mean any individual, company, public or private corporation, partnership, societies or associations. The singular term and the related pronoun shall include the plural, and the masculine the feminine.

Temporary or transient business shall mean any exhibition and sale of goods, wares or merchandise which is carried on in the open or in any tent, booth, building or other structure, unless such place shall be open for business during usual business hours for a period of at least nine (9) months in each year. (Ord. No. 431, § 1, 10-4-88)

Cross reference—Rules of construction and definitions generally, § 1-3.

Sec. 10.5-27. Scope of article.

(a) The provisions of this article shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, or to bona fide sales of goods, wares and merchandise by sample for future delivery, or to any sale of goods, wares or merchandise on the grounds of any incorporated agricultural society during the continuance of any annual fair held by such society, or to any general sale, fair, auction or bazaar held or sponsored by an ecclesiastical society, church corporation or nonprofit organization or to tag sales or garage sales on premises devoted to residential use as permitted by the town.

(b) No itinerant vendor shall be relieved or exempted from the provisions and requirements of this article by reason of associating himself 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. (Ord. No. 431, § 2, 10-4-88)

Sec. 10.5-28. License required; exemptions.

(a) No itinerant vendor, except one exempt under the general statutes of the State of Connecticut, shall sell or offer for sale in the Town of East Haven any goods, wares or merchandise, unless he has obtained a license to do so issued by the East Haven Police

*Editor's note—Ordinance No. 431, enacted Oct. 4, 1988, effective Jan. 1, 1989, was nonamendatory of the Code; hence, codification as Art. II, §§ 10.5-26—10.5-35, was at the editor's discretion.

Cross references—Fee for transient vendors and sales of holiday products, § 10.5-1; solicitors, canvassers and hawkers, § 16-1 et seq.

Department upon payment of the license fee. Provided, however, that no such vendor's license shall be required for sales by farmers and gardeners of the produce of their farms and gardens on their own premises.

- (b) Such license shall be issued in the name of the vendor only and shall not be transferable.
- (c) Applicants for a license who are not residents of the state shall file their applications at least four (4) weeks prior to the effective date for the use of said license.
- (d) Applicants, when applying for such license, must show conclusive proof of possession of a State of Connecticut sales and use tax permit and a state vendor's permit.
- (e) Any person making application for such a license shall furnish in writing, on a form prescribed by the police department, the following information:
 - (1) Name and personal physical description of such applicant.
 - (2) Permanent home address and full local address or place of housing of such applicant.
 - (3) A detailed description of the nature of the business and goods to be sold or services to be performed, including name of manufacturer, publisher, distributor, or parent company where applicable.
 - (4) If employed, such applicant shall furnish the name and address of such employer.
 - (5) The length of time for which the applicant wishes to engage in such businesses as specified in such application.
 - (6) The place where such property to be sold or orders taken for the sale thereof, are manufactured or produced or distributed from.
 - (7) Where such goods or products are located at the time that such application is filed with the police department and the proposed method and estimated time of delivery of such goods.
 - (8) The make, model, color, and registration number of the vehicle, if any, to be used by such vendor, whether or not it is owned by such applicant, his or her employer or any person if such vehicle is to be used in the performance of such vending activities.
 - (9) Such applicant shall submit to fingerprints to be taken by the chief of police as necessitated to complete a thorough background investigation of the applicant's moral character.
 - (10) Such applicant shall submit to a photograph to be taken by the chief of police which will remain with such application for a period not to exceed five (5) years.
- (f) A license for vending activities shall be issued to any person only after investigation of the moral character of such applicant has been completed by the police department and shall not be issued prior to twenty-one (21) days from the date of such application. (Ord. No. 431, § 3, 10-4-88)

Sec. 10.5-29. Sales under license; hours of business, identification badge, use of weights and measures.

- (a) Licensees shall be licensed to do business only between the hours of 6:00 a.m. and 7:00 p.m.

(b) Each licensee shall be issued a badge when granted a license which badge shall bear an identification number and shall be worn on the person at all times in a conspicuous place. In addition, each licensee shall carry the license issued under this article at all times while conducting activities within the town and shall exhibit such license when requested to do so by any police officer or by any person solicited.

(c) No license shall be issued to any person included in the provisions of this article whose business requires, or who uses in his business, any measure, weight or scale, until such person shall present to the chief of police a certificate from the town sealer of weights and measures attesting that said measures, weights or scales have been tested by said sealer of weights and measures and found to be correct. (Ord. No. 431, § 4, 10-4-88)

Sec. 10.5-30. Bonds.

(a) Before any license, as provided by this article, shall be issued for engaging in a temporary or transient business as defined in this article in the Town of East Haven, such applicant shall file with the town clerk a bond running to the Town of East Haven in the sum of one thousand dollars (\$1,000.00) executed by the applicant as principal and two sureties upon which service of process may be made in the State of Connecticut; said bond to be approved by the town attorney, conditioned that the said applicant shall comply fully with all of the provisions of the ordinances of the Town of East Haven and the statutes of the State of Connecticut, regulating and concerning the sale of foods, wares and merchandise, and will pay all judgments rendered against said applicant for any violation of said ordinances or statutes, or any of them together with all judgments and costs that may be recovered against him by any person or persons for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether said misrepresentations or deceptions were made or practiced by the owners or by their servants, agents, or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the town to the use of the aggrieved person. Such bond must be approved by the town attorney, both as to form and as to the responsibility of the sureties thereon.

(b) Said bond will be held for a period of three (3) months beyond the expiration of the license or the surrender of same to the issuing authority. (Ord. No. 431, § 5, 10-4-88)

Sec. 10.5-31. Service of process.

Before any license as herein provided shall be issued for engaging in business as an itinerant vendor, as herein defined, in the Town of East Haven such applicant shall file with the town clerk an instrument nominating and appointing the sureties on the bond his true and lawful agents with full power and authority to acknowledge service of notice of process for and on behalf of said applicant in respect to any matters connected with or arising out of the business transacted under said license and the bond given as required by this article, or for the performance of the conditions of said bond or for any breach therefor, which said instrument shall also contain recitals to the effect that the applicant for said license consents and

agrees that service of any notice or process may be made upon agent, and when so made shall be taken and held to be as valid as if personally served upon the person or persons applying for the license under this article, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgement of service or manner of service. (Ord. No. 431, § 6, 10-4-88)

Sec. 10.5-32. Revocation of license.

(a) The permits and licenses issued pursuant to this article may be revoked by the police chief, after notice and hearing, for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for license;
- (2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;
- (3) Any violation of this article;
- (4) Conducting the business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least five (5) days prior to the date set for the hearing.

(c) Any person aggrieved by a decision of the chief of police revoking a license under this section may request a hearing before the public safety, health and welfare committee of the town council. A request for such hearing must be served upon the chief of police personally or by certified mail within ten (10) days from the decision revoking the license. The chief of police shall then inform the chairman of the public safety, health and welfare committee that a hearing has been requested and ask that a date for the hearing be set. The chairman of the public safety, health and welfare committee shall schedule a hearing within forty-five (45) days from the date of decision by the chief of police revoking said license. Request for such hearing shall not stay the enforcement of the decision revoking said license.

After hearing, the public safety, health and welfare committee may uphold the findings of the chief of police revoking the license, or may overturn said findings, in which case the license will be restored to the applicant. Any appeal from the decision of the public safety, health and welfare committee shall be in accordance with state statutes governing appeals of municipal boards and commissions. (Ord. No. 431, § 7, 10-4-88)

Sec. 10.5-33. License expiration date.

Unless sooner revoked, all licenses required by this article shall expire one year from the date of their issuance. (Ord. No. 431, § 8, 10-4-88)

Sec. 10.5-34. Fees.

(a) The fee for the license created by this article shall be two hundred fifty dollars (\$250.00) per year.

(b) The fee required by this section may be waived by the chief of police if the applicant has been honorably discharged from any branch of the armed forces of the United States. (Ord. No. 431, § 9, 10-4-88)

Sec. 10.5-35. Penalty.

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be punished by a fine not to exceed two hundred fifty dollars (\$250.00). (Ord. No. 431, § 10, 10-4-88)