

Chapter 12 - LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS [11](#)

Footnotes:

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Cross reference— Building permits, § 4-1 et seq.; flood hazard area permit, § 6-14(b); regional economic development commission, § 2-131 et seq.; permit for vending and peddling in parks, § 14-48(f); permits for bathing and swimming in parks, § 14-50; permits for use of public decks and beaches, 14-55(c); permits under open space area regulations, § 14-85; taxation, Ch. 16.

State Law reference— Authority to regulate peddlers, G.S. §§ 7-148(c)(7)(H)(iv), 21-37; authority to regulate itinerant vendors, § 21-29.

ARTICLE I. - IN GENERAL

Sec. 12-1. - Bazaars and raffles; state law adopted.

The provisions of sections 7-170 through 7-186, inclusive, of the General Statutes of Connecticut, for allowing the operation of bazaars and raffles, are hereby adopted.

(Ord. of 10-11-88(2))

Secs. 12-2—12-15. - Reserved.

ARTICLE II. - PEDDLERS, HAWKERS AND ITINERANT VENDORS

Sec. 12-16. - Definitions.

As used in this article:

Itinerant vendor shall mean any person, whether principal or agent, who shall engage in a temporary or transient business in this town, selling goods, wares and merchandise, and who, for the purpose of carrying on such business, shall hire, lease or occupy any building or structure for the exhibition and sale of such goods, wares, or merchandise in the town.

Managing itinerant vendor shall include any person who conducts, manages or organizes a show of itinerant vendors for purposes of exhibition and sale at any location which is open to the general public at which goods, wares or merchandise are on display and offered for sale by any vendors.

Nonprofit shall mean recognized by the Internal Revenue Service as tax-exempt.

Peddler or *hawker* shall include any person, who goes from town to town or from place to place in the town selling, bartering, vending or peddling, or carrying for sale or barter, or exposing therefor, any goods, wares, or merchandise either on foot or from any animal or vehicle.

Person shall mean any individual, partnership, corporation, association, club, organization or group.

(Ord. of 10-9-84(1), § 1)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 12-17. - License required.

Unless exempted below, it shall be unlawful for any person to engage in the businesses of peddler, hawker, ~~or itinerant vendor or managing itinerant vendor~~, as defined in this article, within the corporate limits of the town without first obtaining a license therefor as provided herein.

(Ord. of 10-9-84(1), § 3)

Sec. 12-18. - Exemptions from license requirement.

The following persons and activities shall be exempt from licensing under this article:

- (1) Salesmen selling goods to retail or wholesale establishments;
- (2) Persons exempted by the statutes of the state or persons who act for, and on behalf of, any recognized nonprofit, political, charitable, civic, volunteer fire, religious, or school-sponsored organization of the town;
- (3) 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;
- (4) Tag sales by residents of the town;
- (5) Sales at any event conducted by the town or an organization exempted under subparagraph (2) of this section;
- (6) News carriers or vendors of newspapers;
- (7) The town.

(Ord. of 10-9-84(1), § 2)

Sec. 12-19. - Application for license; accompanying documents.

Applicants for a license required by this article must file with the Southbury police a sworn application in writing (in duplicate) on a form which shall contain the following information:

- (1) ~~The applicant's name, home address, telephone number, and date of birth. Name and description of the applicant;~~
- (2) ~~The name, address, telephone number, and state or federal tax identification numbers of the applicant's business, firm, corporation, organization, or other entity or person represented by the applicant. Mailing and street address of principal;~~
- (3) A brief description of the nature of the business including services to be rendered and the goods to be sold;
- (4) If ~~applicable, employe~~ the name and address of the ~~applicant's~~ employer ~~or principal~~, together with credentials ~~or other appropriate documentation of establishing~~ the exact relationship;
- (5) The length of time for which the right to do business is desired;
- (6) ~~The year, make, mode, color, registration number, state of registration, and owner's name of any vehicle that the applicant will be operating or which will be used to transport the applicant or any persons working with or employed by the applicant; If a vehicle is to be used, a description of the same, license number and other means of identification;~~
- (7) Upon request, a photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application which picture shall be two (2) inches by two (2) inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;

- (8) Upon request, the fingerprints of the applicant and the names of at least two (2) ~~references reliable property owners of the state~~ who will certify as to the applicant's good character and business responsibility, or in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
- (9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, and the nature of the offense and the punishment or penalty assessed therefor;
- (10) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time such application is filed, and proposed method of delivery;
- (11) Proof of all licenses, permits, and registrations required by the United States, the state or the town including, but not limited to, a current state sales tax permit, all licenses or registrations issued by the state consumer protection agency, certification by the town director of health that the operation complies with the public health code, corporate certificate of good standing, federal tax identification number_;
- (12) A signed consent by the applicant authorizing the town or its agents to conduct a criminal history and background check.

(Ord. of 10-9-84(1), § 4; Ord. of 1-10-89)

Sec. 12-20. - License application fees.

- (a) *Itinerant vendor or managing itinerant vendor.* At the time of filing an application for an itinerant vendor license as required by this article, the applicant shall pay a nonrefundable license fee of an amount set by the Board of Selectmen ~~twenty five dollars (\$25.00)~~ to the town to cover the cost of investigation and processing. The Board of Selectmen may change the amount of the required fee from time to time without amending this ordinance
- (b) *Peddler and hawker.* At time of filing an application, peddlers and hawkers will pay a license fee of ~~two hundred fifty dollars (\$250.00)~~ an amount set by the Board of Selectmen per year for the privilege of vending or hawking upon the public streets of the town. The Board of Selectmen may change the amount of the required fee from time to time without amending this ordinance. Initial license fee will be prorated for the period from issuance until the following October first renewal date.
- (c) *Veteran's exemption.* Any resident of the state who has resided within the state for two (2) years next preceding the date of application for a license as an itinerant vendor, peddler or hawker and who is a veteran with an honorable discharge who served in time of war as defined in the General Statutes shall be exempt from such fee requirements under this section.

(Ord. of 10-9-84(1), § 9)

Sec. 12-21. - Investigation; issuance of license; denial; appeals.

- (a) *Issuance.* Upon receipt of an application for a license required by this article, the Southbury police or other agents engaged by the town for such purpose may cause such investigation into the background and business conduct of the applicant as they ~~Southbury police~~ deem necessary for the protection of the public good. Such investigation may include, but shall not be limited to, inquiries to the better business bureau and state consumer protection agency. Upon a finding that the facts stated in the application are true and complete, the Southbury police, in the case of hawkers and peddlers and the town clerk in the case of itinerant vendors, shall issue a dated and signed license to be valid until the first day of October following the day of issuance of such license, subject to revocation as hereinafter provided. The Southbury police shall have seventy-two (72) hours, excluding weekends and holidays, to act upon an application. Failure to act within this time period constitutes an approval. The license shall include the full name of the licensee and of the principal, a picture of the licensee and a statement that the issuance of such a license does not constitute an endorsement by the town of the person, product or service of the licensee. Such license shall be carried on the person of the licensee, conspicuously displayed at the place the activities are undertaken and ~~shall be~~ exhibited to any person requesting to see the same at any time while the person is engaged in the activities authorized by such license or at any time at the request of the resident state policeman, any town police officer, or the ~~F~~first ~~S~~selectman. The license shall bear the words "licensed peddler" or "itinerant vendor." No license issued under the provisions of this article shall be used by any person other than the one to whom it was issued.
- (b) *Denial; reasons.* The Southbury police may deny any application for license for any of the following reasons:
- (1) The applicant has violated any of the required or prohibited practices hereinafter set forth;
 - (2) An applicant's previous license has been revoked for any reason whatsoever;
 - (3) The applicant's failure to act in the past or refusal to act in the future in accordance with the provisions of this article;
 - (4) The applicant's failure to obtain and exhibit upon request any licenses required by the state;
 - (5) The applicant's failure to provide the information required for the above application;
 - (6) The prior conviction of the applicant, his employer or agent of burglary, breaking and entering, receiving stolen property, assault, sexual misconduct, unlawfully carrying weapons, fraud, larceny, conversion, embezzlement, robbery, or similar offenses, or any other felony or similar offenses by any court of competent jurisdiction.
- (c) *Appeal to ~~B~~board.* Any person whose application for a license has been denied may, within five (5) days after notice of denial, appeal to the ~~B~~board of ~~S~~selectmen, by a request in writing for such relief directed to the ~~F~~first ~~S~~selectman. The members of the ~~B~~board of selectmen shall give the person so appealing a hearing at the second succeeding regular meeting of the ~~B~~board of ~~S~~selectmen, or as soon thereafter as may conveniently be, after receipt of such request, and upon such hearing shall sustain or reverse the denial.

(Ord. of 10-9-84(1), § 5; Res. of 5-11-88(1), § 2; Ord. of 1-10-89; Res. of 1-10-89)

Editor's note— A resolution adopted Jan. 15, 1989, amended § 12-21 by adding provisions thereto, which provisions have been included as § 12-21(c) at the editor's discretion.

Sec. 12-22. - State license prerequisite to issuance of license.

Prior to being eligible for issuance of the local license required by this article, an applicant must have fulfilled all the requirements of the state statutes and hold applicable state licenses.

(Ord. of 10-9-84(1), § 17)

Sec. 12-23. - Suspension and revocation of license.

- (a) Any license issued under the provisions of this article may be suspended or revoked, after notice and hearing by the Ffirst Sselectman for violation of this article or any ordinance of the town, any statute of the state, or upon receipt by the Ffirst Sselectman of a complaint verified by a reliable person or persons concerning false advertising or representations by such licensee, or upon a finding that the license should not have been issued because of any fact unknown to the town at the time of issuance of the license.
- (b) Every suspension or revocation of a license shall be in writing and state the reason for such suspension or revocation and be dated. A notice in writing shall immediately be sent by the Ffirst Sselectman by certified or registered mail to the licensee and the principal at the address shown on the application. Such suspension or revocation shall be effective as of the time of sending such notice; provided, however, that, the person whose license has been suspended or revoked may within five (5) days after sending of such notice, appeal to the remaining Bboard of Sselectmen for reinstatement, by a request in writing for such relief directed to the Ffirst Sselectman. The remaining Bboard of Sselectmen shall give the person so appealing a hearing within fourteen (14) days after receipt of such request, and upon such hearing shall sustain or reverse the action of the Ffirst Sselectman. Failure to hold such meeting within the fourteen-day period shall cause an automatic reinstatement of such license.

(Ord. of 10-9-84(1), § 7)

Sec. 12-24. - Expiration and renewal of license.

All licenses issued under the provisions of this article shall expire on the first day of October following the day of issuance. Upon expiration, the license shall be renewed upon request made to the Southbury police and upon payment of the yearly license fee provided herein; the fact of renewal shall be indicated on the applicant's license showing the new expiration date thereof. If a license is not renewed within one (1) year of expiration, the applicant will be required to submit a new application and comply with all the requirements of such new application including an application fee as set forth in section 12-20.

(Ord. of 10-9-84(1), § 10; Ord. of 1-10-89)

Sec. 12-25. - Certain acts prohibited to license holders.

No licensee shall:

- (1) Imply that having a license constitutes an endorsement or recommendation of the town.
No person shall advertise in any manner that they have obtained a license from the town;

- (2) Use any false or deceptive inducements;
- (3) Fail to conduct himself in an orderly and lawful manner or fail to comply with the provisions of this article.

(Ord. of 10-9-84(1), § 6)

Sec. 12-26. - Duty of police to enforce.

It shall be the duty of the resident state ~~trooper policeman~~ or any police officer of the town to require any person seen peddling or vending and who is not known by such officer to be duly licensed, to produce a valid license and to enforce the provisions of this article against any person found to be violating same.

(Ord. of 10-9-84(1), § 8)

Sec. 12-27. - Use of public streets.

- (a) Unless otherwise permitted by state statute or ordinance of the town, no peddler or hawker shall:
 - (1) Have an exclusive right to any location in the public streets;
 - (2) Be permitted a stationary location in any public street;
 - (3) Be permitted to operate in any street where his operations might impede or inconvenience the public or impair the public safety.

The term "public street(s)" shall include all areas within the town's street rights-of-way or street lines or within the street line or right-of-way of any state highway other than a limited-access highway. For the purpose of this section, the judgment of any police officer or state policeman, exercised in good faith, shall be deemed conclusive as to whether the public is impeded or inconvenienced, or the public safety impaired.

- (b) A peddler or hawker shall be presumed to have a stationary location if:
 - (1) Such person remains in any general location while not in the act of selling; or
 - (2) Such person is in one (1) general location for more than two (2) hours per day.

(Ord. of 10-9-84(1), § 11)

Sec. 12-28. - Use of town property.

Unless otherwise permitted by state statute or ordinance of the town, no peddler, hawker, ~~or itinerant vendor or managing itinerant vendor~~ shall use town property other than streets and rights-of-way to conduct business. Any person who acts for and on behalf of any nonprofit, political, charitable, civic, volunteer fire, religious, service or school-sponsored organization or any person who transacts business at an event conducted by such organization or by the town, shall be exempt from the prohibition of this section, provided such person receives the prior authorization of the ~~S~~first ~~S~~selectman or of the director of the parks and recreation commission. See section 14-48(f).

(Ord. of 10-9-84(1), § 12)

Sec. 12-29. - Use of private property.

No license will be issued for vending or peddling on private property without the consent of the property owner affected and the certification of the zoning enforcement officer that the use complies with all applicable zoning regulations of the town.

(Ord. of 10-9-84(1), § 13)

Sec. 12-30. - Records.

Lists of all persons issued permits or licenses shall be maintained by the ~~Southbury police Office of the First Selectman~~ in order that residents may obtain information concerning the person to whom such permits or licenses have been granted.

(Ord. of 10-9-84(1), § 14)

Sec. 12-31. - Compliance with other laws and ordinances.

A licensee under this article shall abide by all pertinent ordinances as well as provisions of the state statutes governing itinerant vendors and peddlers.

(Ord. of 10-9-84(1), § 16)

Sec. 12-32. - Penalty.

Any person violating any of the provisions of this article shall be guilty of a **Class D** misdemeanor and, upon conviction thereof shall be fined an amount set by the Board of Selectmen not more than fifty dollars (\$50.00) per offense. The Board of Selectmen may change the amount of the fine imposed hereunder from time to time without amending this ordinance. Each transaction or sale is deemed a separate offense.

(Ord. of 10-9-84(1), § 15)

State Law reference— Penalty for sales without license by itinerant vendors, G.S. § 21-35.
Penalty for sales without license by hawkers and peddlers, G.S. § 21-38

Secs. 12-33—12-50. - Reserved.

ARTICLE III. - SOLICITORS AND CANVASSERS

Sec. 12-51. - Definitions.

As used in this article:

Canvasser shall mean any person not included in the definition of "solicitor" who engages in door-to-door solicitation of funds.

Nonprofit shall mean recognized by the Internal Revenue Service as tax-exempt.

Person shall mean any individual, partnership, corporation, association, club, organization or group.

Solicitor shall mean any person engaged in door-to-door or home solicitation sale, lease or rental of goods or service.

(Ord. of 10-9-84(2), § 1)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 12-52. - Exemptions from all requirements of this article.

The following persons and activities shall be exempt from all requirements of this article:

- (1) Residents of the town who are exempted by the statutes of the state or who act for and on behalf of any nonprofit, political, charitable, civic, religious, volunteer fire or any school-sponsored organization shall be exempt from the requirements of this article;
- (2) Transactions made pursuant to prior negotiations in the course of a visit by the buyer to a retail business establishment having a fixed, permanent location where goods are exhibited or the services are offered for sale or lease on a continuing basis;
- (3) Transactions made pursuant to a home party plan sales and demonstration;
- (4) Transactions in which the buyer has initiated the contact and specifically requested the seller to visit his home for the purpose of repairing or performing maintenance upon the buyer's personal property;
- (5) The town;
- (6) News carriers or vendors of newspapers.

(Ord. of 10-9-84(2), § 2)

Sec. 12-53. - Persons required to register but exempt from licensing.

Persons required to register but exempt from licensing are as follows:

- (1) Nonresident persons of the town who are exempted by the statutes of the state or who act for and on behalf of any nonprofit, political, charitable, civic, religious or service organization or cause, fire company, or any school-sponsored organization.
- (2) Home sales on approval or conditional sales of merchandise.

(Ord. of 10-9-84(2), § 3)

Sec. 12-54. - Registration; identification.

(a) Each person exempted from licensing in section 12-53 above shall:

- (1) Register with the Southbury police and provide whenever applicable information as to:
 - a. The names and descriptions of those making door-to-door calls;
 - b. Permanent and local mailing and street addresses of such persons;
 - c. A brief description of the nature of the activity or business including services to be rendered and the goods to be sold;
 - d. If a solicitor, the name and address of the employer or organization together with credentials establishing the exact relationship; if a canvasser, his authority to act for the cause he purports to represent;
 - e. The length of time soliciting or canvassing activity is to be conducted;

- f. If a vehicle is to be used, a description of same, license number and other means of identification;
 - g. The place where solicitation or canvassing is to take place, where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced; where such goods or products are located at the time of registration, and proposed method of delivery;
 - h. Nonprofit tax identification number;
 - i. Valid permit from the consumer protection agency of the state.
- (2) Not engage in a solicitation upon any premises without prior invitation from the occupant thereof, if the premises is posted against such solicitation by means of a notice prominently displayed upon which is printed the legend: "NO SOLICITORS" (or words of similar import). For the purposes of this article, a sign exhibited on or near the main entrance or main door of a residence of two (2) inches by four (4) inches in size bearing the above legend in letters at least one-third of an inch in length shall be deemed to be adequately posted;
 - (3) Not engage in any type of solicitation upon any premises or residence after having been asked by the owner or occupant thereof to leave such residence or premises;
 - (4) Not make more than one (1) solicitation call at the same premises for identical goods or services or for the same religious, civic, charitable, or political purpose within any consecutive thirty-day period, without receiving a prior invitation therefor from the occupant of the premises;
 - (5) Not misrepresent the purpose of his solicitation or use any false, deceptive or misleading misrepresentation to induce a sale or contribution, or use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call;
 - (6) Conduct himself, at all times, in an orderly and lawful manner;
 - (7) Not solicit at residences ~~between 9:00 p.m. and 9:00 a.m.~~ ~~between sunset (but not later than 7:00 p.m.) and 9:00 a.m.~~ unless in accordance with a prior appointment;
 - (8) Comply with the provisions of the Home Solicitation Sales Act as set forth in General Statutes section 42-134a et seq., as amended; and
 - (9) When soliciting or canvassing, exhibit his registration badge on his person.
- (b) Persons exempt from licensing under section 12-53 who do not comply with the requirements of this section shall be fined up to ~~fifty dollars (\$50.00)~~ an amount set by the Board of Selectmen for each solicitation which violates such provisions or shall have their registrations revoked.- The Board of Selectmen may change the amount of the fine imposed hereunder from time to time without amending this ordinance

(Ord. of 10-9-84(2), § 4; Ord. of 1-10-89)

Sec. 12-55. - License required.

Unless exempted above, no person shall solicit or canvass within the corporate limits of the town without first obtaining a license therefor as provided herein.

(Ord. of 10-9-84(2), § 5)

Sec. 12-56. - License application; accompanying documents.

Applicants for a license not exempted under section 12-53 of this article must file with the Southbury police a sworn application in writing (in duplicate) on a form which shall contain the following information:

- (1) The applicant's name, home address, telephone number, and date of birth.
~~Name and description of the applicant;~~
- (2) The name, address, telephone number, and state or federal tax identification numbers of the applicant's business, firm, corporation, organization, or other entity or person represented by the applicant.. Permanent and local mailing and street address of applicant;
- (3) A brief description of the nature of the activity or business including services to be rendered and the goods to be sold;
- (4) If applicable, the name and address of the employer or principal of the applicant, together with credentials establishing the exact relationship;
- (5) The length of time soliciting and canvassing activity will be conducted;
- (6) The year, make, mode, color, registration number, state of registration, and owner's name of any vehicle that the applicant will be operating or which will be used to transport the applicant or any persons working with or employed by the applicant~~If a vehicle is to be used, a description of the same, license number and other means of identification;~~
- (7) Upon request, a photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application which picture shall be two (2) inches by two (2) inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (8) Upon request, the fingerprints of the applicant and the names of at least two (2) reliable property owners of the state who will certify as to the applicant's good character and business responsibility, or in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
- (9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, and the nature of the offense and the punishment or penalty assessed therefor;
- (10) The place where solicitation or canvassing is to take place; where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced; where such goods or products are located at the time said application is filed, and proposed method of delivery;
- (11) Proof of all licenses, permits, and registrations required by the United States, the state or the town including, but not limited to, a current state sales tax permit, a home contractor's license, all licenses or registrations issued by the state consumer protection agency, certification by the town director of health that the operation complies with the

public health code, corporate certificate of good standing, federal tax identification number.

(12) A signed consent by the applicant authorizing the town or its agents to conduct a criminal history and background check.

(Ord. of 10-9-84(2), § 6; Ord. of 1-10-89)

Sec. 12-57. - License application fees.

At the time of filing an application for a license as required by this article, the applicant shall pay a nonrefundable fee of ~~twenty five dollars (\$25.00)~~ an amount set by the Board of Selectmen to the town to cover the cost of investigation and processing. An additional fee set by the Board of Selectmen ~~twenty five dollar fee~~ is also required upon each renewal. If a corporation, organization, or group is applying for a license, there shall be an annual fee plus an additional fee set by the Board of Selectmen ~~shall be twenty five dollars (\$25.00) together with five dollar~~ for each individual solicitor or canvasser representing such corporation, organization, or group. The Board of Selectmen may change the amount of the required fees from time to time without amending this ordinance.

(Ord. of 10-9-84(2), § 12)

Sec. 12-58. - Investigation; issuance; denial of license; appeals.

- (a) *Issuance.* Upon receipt of an application for a license required by this article, the Southbury police may cause such investigation into the business conduct of the applicant as the Southbury police deems necessary for the protection of the public good. Such investigation may include inquiries to the better business bureau and state consumer protection agency. Upon a finding that the facts stated in the application are true and complete, the Southbury police shall issue a dated and signed license to be valid until the first day of October following the day of issue, subject to revocation as hereinafter provided. The Southbury police shall have seventy-two (72) hours, excluding weekends and holidays, to act upon an application. Failure to act within this time period constitutes an approval. Such license shall include the full name of the licensee and of the principal, a picture of the licensee and a statement that the issuance of such a license does not constitute an endorsement by the town of the person, product or service of the licensee. Such license shall be carried **and prominently displayed** on the person of the licensee and shall be exhibited to any person requesting to see the same at any time while such person is engaged in the activities authorized by such license or at any time at the request of the resident state policeman, any town police officer, or the ~~F~~First ~~S~~Selectman. The license shall bear the words "licensed solicitor." No license issued under the provisions of this article shall be used by any person other than the one to whom it was issued.
- (b) *Denial; reasons.* The Southbury police may deny any application for license for any of the following reasons:
- (1) The applicant has violated any of the required or prohibited practices hereinafter set forth;
 - (2) An applicant's previous license has been revoked for any reason whatsoever;

- (3) The applicant's failure in the past or refusal in the future to act in accordance with the provisions of this article;
 - (4) The applicant's failure to obtain and exhibit upon request any licenses required by the state;
 - (5) The applicant's failure to provide the information required for the above application;
 - (6) The prior conviction of the applicant, his employer or agent of fraud, larceny, conversion, embezzlement, robbery or similar offenses by any court of competent jurisdiction.
- (c) *Appeal to Bboard.* Any person whose application for a license has been denied may, within five (5) days after notice of denial, appeal to the Bboard of Sselectmen, by a request in writing for such relief directed to the Ffirst Sselectman. The members of the Bboard of selectmen shall give the person so appealing a hearing at the second succeeding regular meeting of the Bboard of Sselectmen, or as soon thereafter as may conveniently be, after receipt of such request, and upon such hearing shall sustain or reverse the denial.

(Ord. of 10-9-84(2), § 7; Res. of 5-11-88(1), § 1; Ord. of 1-10-89; Res. of 1-10-89)

Editor's note— A resolution adopted Jan. 15, 1989, amended § 12-58 by adding provisions thereto, which provisions have been included as § 12-58(c) at the discretion of the editor.

Sec. 12-59. - State license prerequisite to issuance of license.

Prior to being eligible for issuance of the local license or registration badge required by this article, an applicant must have fulfilled all the requirements of the state statutes and hold applicable state licenses.

(Ord. of 10-9-84(2), § 17)

Sec. 12-60. - License records.

Lists of all persons issued licenses under this article shall be maintained by the ~~Southbury police~~ Office of the First Selectman.

(Ord. of 10-9-84(2), § 14; Ord. of 1-10-89)

Sec. 12-61. - Suspension and revocation of license.

- (a) Any license issued under the provisions of this article may be suspended or revoked, after notice and hearing, by the Ffirst Sselectman for violation of this article or any ordinance of the town, any statute of the state, or upon receipt by the Ffirst Sselectman of a verified complaint stating how the licensee has violated this article.
- (b) Every suspension or revocation of a license shall be in writing and state the reason for such suspension or revocation and be dated. A notice in writing shall immediately be sent by the Ffirst Sselectman by certified or registered mail to the licensee and to the principal at the address shown on the application. Such suspension or revocation shall be effective as of the time of sending such notice; provided, however, that, the person whose license has been suspended or revoked may within five (5) days after sending of such notice, appeal to the

other remaining members of the Board of Selectmen for reinstatement, by a request in writing for such relief directed to the First Selectman. The other remaining members of the Board of Selectmen shall give the person so appealing a hearing within fourteen (14) days after receipt of such request, and upon such hearing shall sustain or reverse the action of the First Selectman.

(Ord. of 10-9-84(2), § 9)

Sec. 12-62. - Expiration and renewal of license.

All licenses issued under the provisions of this article shall expire on the first day of October following the day of issuance. Upon expiration, the license shall be renewed upon request made to the Southbury police and upon payment of the yearly license fee provided herein; the fact of renewal shall be indicated on the applicant's license showing the new expiration date thereof. If a license is not renewed within one year of expiration, the applicant will be required to submit a new application and comply with all the requirements of such new application including an application fee as set forth in section 12-57.

(Ord. of 10-9-84(2), § 13; Ord. of 1-10-89)

Sec. 12-63. - Certain acts prohibited to license holders.

No licensee under this article shall:

- (1) Fail to comply with the requirements set forth in section 12-54(a)(2)—(9) of this article.
- (2) Imply that having a license constitutes an endorsement or recommendation of the town. No person shall advertise in any manner that they have obtained a license from the town.
- (3) Use any false or deceptive inducements.

(Ord. of 10-9-84(2), § 8)

Sec. 12-64. - Copies of all documents to be provided for purchaser; contract requirements for performance of work.

- (a) All persons licensed under this article shall furnish to the purchaser a copy of all written documents which the purchaser is requested to sign at the time of the transaction.
- (b) Before work of any kind, the licensee must enter into a contract or agreement with the purchaser as to price and work to be done; provided that, no written contract shall be required where the work to be done is of an emergency nature or the total cost does not exceed twenty-five dollars (\$25.00). Any such agreement shall include therein a complete statement as to:
 - (1) Specific work to be done;
 - (2) Material to be used, describing it by brand name if possible, and by weight, size, color and quality;
 - (3) Guaranties and warranties made or represented to the buyer in writing, setting forth by whom guaranteed or warranted, and any and all exclusions and limitations as to costs to prepare replacement of parts, service charges and labor charges;
 - (4) The time in which the work is expected to be completed;

- (5) All financing, including the initial cost, any time charges, interest, and the total cost including such charges, together with the amount of payment, the time at which the payments will begin and the length of time for which they will continue;
- (6) A statement agreeing to restore and repair any part of the property of the purchaser destroyed or damaged, where such damage results from the acts of the contractor or of the seller, or any of his agents or employees;
- (7) A statement to the effect that the licensee's having a license from the town does not constitute an endorsement of the town of the person, product or service.

(Ord. of 10-9-84(2), § 10)

Sec. 12-65. - Duty of police to enforce.

It shall be the duty of any police officer or resident state policeman of the town to require any person seen soliciting and who is not known by such officer to be duly licensed, to produce his license and to enforce the provisions of this article against any person found to be violating the same.

(Ord. of 10-9-84(2), § 11)

Sec. 12-66. - Compliance with other laws and ordinances.

A licensee under this article shall abide by all pertinent ordinances as well as provisions of the state statutes governing solicitors.

(Ord. of 10-9-84(2), § 16)

Sec. 12-67. - Penalty.

Any person, not exempt from this article under sections 12-52 and 12-53 of this article, who shall conduct home solicitations without a license, or while such license has been suspended, shall be guilty of a **Class D** misdemeanor and upon conviction thereof, shall be fined an amount set by the Board of Selectmen not more than fifty dollars (\$50.00) for each offense. The Board of Selectmen may change the amount of the fine imposed hereunder from time to time without amending this ordinance

(Ord. of 10-9-84(2), § 15)

Secs. 12-68—12-80. - Reserved