

ANIMALS

BE IT ENACTED BY THE TOWN COUNCIL IN SESSION:

That Article II, "Dog Leashing" of Chapter 71, "Animals", of the Code of the Town of Wallingford is hereby repealed, and the following Article II is substituted in its place.

Section 1. Policy Declaration

The Town Council finds that in order to maintain a less anxious and safer environment for citizens of the Town of Wallingford, it is necessary to implement a dog leash program that will serve to prohibit the travel of dogs upon and about its public roads and parks without being leashed to their owner or keeper, thus eliminating a potential source of injury or conflict to its citizens and to other animals.

Section 2. Definitions

a. "Keeper" means any person, other than the owner, harboring or having in his charge or control any dog.

b. "Public road" means any and all public thoroughfares within the boundaries of the Town of Wallingford and all areas within the public right of way, including tree belts, sidewalks and any area adjacent thereto up to the boundary line of any adjoining lot.

Section 3. Unleashed Dogs Prohibited

No owner or keeper of any dog shall allow such dog on any public road or in any public park or school property without being on a leash held by the owner or keeper of the dog.

Section 4. Exemptions

This ordinance shall not apply to the following:

a. Police dogs when used in law enforcement activities;

b. A dog being exercised in public parks before 9:00 a.m. during the summer

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months of June, July and August and 10:00 a.m. the rest of the year, except where posted by the Director of Recreation; and

c. Any dog performing in events scheduled by the Department of Parks and Recreation.

Section 5. Penalty

Any person who violates any provision of this ordinance shall be guilty of an infraction and shall be fined fifty dollars (\$50.00).

I HEREBY CERTIFY that this Ordinance was enacted by the Town Council of the Town of Wallingford this _____ day of _____, 2003, in accordance with the provisions of the Charter of the Town of Wallingford.

Rosemary A. Rascati
Town Clerk

APPROVED: _____
William W. Dickinson, Jr., Mayor

DATE: _____

VENDING ORDINANCE

BE IT ENACTED BY THE TOWN COUNCIL IN SESSION:

That Chapter 221 "Vendors, Hawkers and Peddlers" is hereby repealed and the following Chapter 221 "Vendors, Hawkers and Peddlers" is substituted in lieu thereof.

SECTION 1. DEFINITIONS

a. "Hawker" or "Peddler" means any person, whether principal or agent, who goes from town to town or place to place in the Town of Wallingford, including temporarily remaining in one place for periods of time, selling or bartering or carrying for sale or barter, or exposing therefor, any goods, wares or merchandise, including food and ice cream, either on foot or from any animal, vehicle, pushcart, stand or table.

b. "Motor Vehicle" means any vehicle propelled or drawn by any power other than muscular and registered for operation on public highways by the Connecticut Motor Vehicle Department.

c. "Person" means an individual, firm, partnership, corporation or other legal entity engaged in vending.

d. "Street" or "Public Highway" means the public thoroughfare and all areas within the public right of way, including tree belts, sidewalks and any area adjacent hereto up to the boundary line of any adjoining lot.

e. "Town" means the Town of Wallingford.

f. "Vending" means the activities of a hawker or peddler.

g. "Vending Location" means the site or place where vending activities are carried out from a fixed location.

SECTION 2. EXEMPTIONS

This ordinance shall not apply to the following:

a. Sales made to dealers by commercial travelers or selling agents in the usual course of business.

b. Bona fide sales of goods, wares or merchandise by sample for future delivery when full payment is not required at the time of solicitation.

c. 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.

d. Sales by farmers and gardeners of the produce of their farms, gardens and greenhouses, including fruit, vegetables and flowers provided such products are sold from the property on which they are grown.

e. Sale, distribution and delivery of milk, teas, spices, groceries, meats and bakery goods.

f. Sales on approval or conditional sales of merchandise.

g. Sale of goods, wares or merchandise by students of the schools of the Town provided such sales have been approved by the school.

h. Sale of goods, wares or merchandise by members of organized athletic teams or groups of the Town when such sales are part of a fund raising event of the team.

i. Fairs, auctions or bazaars held or sponsored by local government, any ecclesiastical society, church corporation, nonprofit corporation or civic or fraternal organization of the Town.

j. Sales of goods, wares or merchandise through means of a tag sale, so-called, by the owner of property from which such sales take place.

k. Sales of newspapers, except as provided by Section 4(i) and 4(j) hereof.

l. Sales of goods, wares or merchandise by vendors at the Redwood Country Flea Market or other permitted flea market in the Town.

m. Sales by the Volunteer Divisions of the Wallingford Fire Department.

SECTION 3. LICENSE REQUIRED, FEE SCHEDULE, EXPIRATION, SUSPENSION OR REVOCATION

a. No person shall engage in hawking or peddling any goods, wares or merchandise, including food and ice cream, upon the public streets of the Town, upon the State highways situated within the Town except limited access highways, or upon any land abutting such streets or highways without first having obtained a license from the Chief of Police, but no such license shall be granted unless such person, firm or corporation has and maintains a Connecticut Sales and Use Tax Permit.

b. The fee schedule for licenses granted under this Ordinance shall be as follows: (1) for the sale of sundries, balloons, buttons, stuffed animals, cotton candy, flags or like items at parades, races, firework displays or similar one day events: \$50.00; (2) for all other sales:

\$250.00. A separate fee shall be required for each vehicle or cart used for vending, and where tables, boxes, or other means, stands or other fixed display devices are used for vending, a fee for each separate location shall be required. Any modification of the within fee schedule may hereafter be enacted by Resolution of the Town Council.

c. Unless sooner revoked, all licenses shall expire on the thirty-first day of December next succeeding the date of issue.

d. The Chief of Police shall have the power to suspend or revoke the license of any hawker or peddler who violates any provision of this Ordinance after notice and the power of arrest or summons of any such hawker or peddler who engages in vending without a license. Notice shall be by certified mail and receipt shall be presumed if sent to the address given in the application for such license. A hearing may be requested within ten days of the date of the postal receipt and shall be in writing and shall state the grounds for appeal. The period of suspension shall be at the discretion of the Chief of Police, but not less than fourteen (14) days for a first violation, thirty (30) days for a second violation, and for a third violation a period of revocation of not less than six (6) months. The Mayor shall appoint such hearing officer.

SECTION 4. REGULATIONS.

a. Vendors who conduct their business from motor vehicles on the public highways shall so operate their vehicles so as not to impede the free flow of traffic. No food or ice cream vendor who conducts his business from a motor vehicle shall sell or attempt to effect a sale of food or ice cream to any person when such person is situated or standing in the highway or street.

b. No vendor shall sell or barter or carry for sale or expose for sale or barter any goods, wares or merchandise, except for food and ice cream, in any residential zone. The vending of food or ice cream in such zones shall be from motor vehicles which may not remain in the same location for more than fifteen (15) minutes. The prohibition imposed by this Section shall be suspended during parades, races, firework displays or other similar one-day events to allow the sale of sundries, balloons, buttons, stuffed animals, cotton candy, flags or food and ice cream or other similar goods or merchandise from non-motor vehicles along the route of the parade or at the location of the particular event.

c. No food or ice cream vendor shall sell or attempt to effect the sale of his products from any vehicle during the hours of 7:00 a.m. to 3:00 p.m. on any day when school is in session at any location within 300 feet, measured in a straight line, of any public or private school, except for such sales at Choate Rosemary Hall.

d. Vendors who conduct their business from private property or from property of the State of Connecticut or of the Town shall present to the Chief of Police, at the time of application for such license, a writing granting permission to use said property from the owner or owners of the such property.

e. Any signage displayed by a vendor must be a permanent and integral part of the vehicle, cart, table or container from which the vending takes place. No free standing or portable signs will be permitted.

f. Vendors of food or ice cream products or other goods or merchandise must obtain the written permission of the Director of Recreation in order to sell their products in any Town park, field or recreation area. The standing limitation of fifteen (15) minutes shall not apply to such sales in Town parks, fields or recreation areas situated in residential zones.

g. No vendor shall conduct his business within 500 feet, measured in a straight line, of any established place of business in the Town offering the same or similar products or within 150 feet of any intersection or on any street where parking is prohibited. The Chief of Police may prohibit all vending from any street or any intersection for any distance if he deems such vending would constitute an extraordinary hazard to the safety of the public.

h. Vending is prohibited within areas and within one-half mile, measured in a straight line from any boundary, of areas that have been temporarily set aside for festivals and special events which have been authorized pursuant to resolution of the Town Council except for persons issued a permit by the sponsor or other organizer of the festival or special event. No license shall be required of such persons. Traffic by non-motorized vehicles, except by festival or event participants, is prohibited within the area set aside for the festival or special event. Established Town businesses located within the area set aside for such festival or special event may sell the goods or merchandise of their business on the sidewalk fronting their location without, however, interfering with the free flow of pedestrian traffic, as a matter of right and without charge by the sponsor or other organizer of such festival or special event.

i. The Chief of Police, upon complaint and subsequent inspection, may cause the relocation and removal of newspaper vending machines to eliminate any dangerous vehicular site line or pedestrian obstructions created by the placement of such machines. The sale or the offering of any other goods or merchandise, including food and drink, by vending machines, whether operated by coin or other means, are prohibited.

j. Persons who do their vending while standing or walking along the public streets of the Town or along the State highways within the Town, including the sale of newspapers, shall transact their sales from the curbside of such street or highway.

k. The license application form shall be in duplicate, with the original to the vendor and the copy to the files of the Police Department, and shall include information concerning the following matters. Any modification of the within application form may hereafter be enacted by Resolution of the Town Council.

- (1) Name and address of applicant.
- (2) Applicant's social security number, driver's license number and Connecticut Sales and Use Tax Permit number.

- (3) Type of vending operation to be conducted (i.e., motor vehicle, pushcart, table, stand, other).
- (4) The type of product which will be sold (i.e., food, beverages, flowers, novelties, other).
- (5) The street or streets upon which the products will be sold.
- (6) The date or dates during which vending will take place.
- (7) If vending is to take place on private or State of Connecticut or Town property, a copy of the owner's written permission shall be submitted with the application and attached to the Police Department's duplicate.
- (8) If food or non-prewrapped ice cream products are to be sold, a copy of the current Health Department permit shall be submitted with the application and attached to the Police Department's duplicate.

SECTION 5. LICENSE DISPLAY

Each person licensed under this ordinance and his agent or employee shall, while conducting his business, display conspicuously, the sign, decal or badge issued to him by the Chief of Police.

SECTION 6. VIOLATIONS AND PENALTIES

Every person who shall violate any provision of this Ordinance, in addition to the suspension or revocation of a license, if appropriate, shall be guilty of an infraction and shall be fined \$90.00.

I HEREBY CERTIFY that this Ordinance was enacted by the Town Council of the Town of Wallingford this _____ day of September, 2003 in accordance with the provisions of the Charter of the Town of Wallingford.

Rosemary A. Rascati, Town Clerk

APPROVED: _____
William W. Dickinson, Jr., Mayor

DATE: _____