

Food Truck Ordinance Rough Draft

5/5/22 Revision

§ 158-1. - Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BADGE: For the purposes of this chapter, that which identifies the individual and/or his employees to the general public.

FOOD VENDOR: Any person who sells to the public any food product.

ICE CREAM VENDOR: Any person who sells to the public any ice cream product.

ITINERANT VENDOR, ITINERANT MERCHANT, TRANSIENT MERCHANT: Any person, firm, or corporation, whether as owner agent, consignee, or employee, whether a resident of the city or not, who engages in a temporary or transient business, either in one location or traveling from place to place, selling and delivering goods, wares, and merchandise within the City of Torrington and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, boat, public room in a hotel, lodging house, apartment or shop or any street, alley or another place within the city for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that such definition shall not be construed to include any person, firm, or corporation who, while occupying such temporary location, does not sell from stock but exhibits samples only for the purpose of securing orders for future delivery only. Said person, firm, or corporation shall not be relieved from complying with this article merely by associating temporarily with any local dealer, trader, merchant, or auctioneer or by conducting such transient business in connection with as a part of or in the name of any local dealer, trader, merchant or auctioneer. Food vendors and ice cream vendors, as hereinbefore defined, shall be considered as itinerant vendors, transient merchants, or itinerant merchants for purposes of this chapter.

LICENSE: For the purposes of this chapter, that which allows an individual corporation and/or his employees to operate said business as identified by the permit.

PERMANENT MERCHANT: For the purposes of this chapter, any person, firm, or corporation with an established place of business in the City of Torrington. Any "permanent merchant" selling goods away from his established place of business shall be subject to the permit and license requirements of this chapter.

PERMIT: For the purposes of this chapter, that which identifies the business and allows it to exist.

POLICE CHIEF: The Chief of Police of the City of Torrington or his designee.

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RESIDENTIAL NEIGHBORHOOD: For the purposes of this chapter, any area is made up predominantly of one- and two-family residences or apartment complexes and condominium complexes.

SOLICITOR OR CANVASSER: Any individual, whether a resident of the City of Torrington or not, using the telephone or traveling either by boat, wagon, automobile, motor truck, or any other type of conveyance from place to place, from house to house, or from street to street, soliciting for money.

TEMPORARY OR TRANSIENT BUSINESS: Any exhibition and sale of goods, wares, and/or merchandise which is carried on in any building, structure, motor vehicle, tent, railroad boxcar, boat, public room in a hotel, lodging house, apartment, or shop or any alley or street unless said business shall be open for business during usual business hours for a period of at least ten months in each year.

§ 158-2. - Permit and license required.

It shall be unlawful for a transient merchant, itinerant merchant, itinerant vendor, food vendor, ice cream vendor, solicitor, canvasser, or permanent merchant to sell away from his established place of business, as defined in § 158-1 of this chapter, to engage in any such business within the corporate limits of the City of Torrington without first obtaining a permit and license therefor in compliance with the provisions of this chapter. Itinerant Vendors (Food Trucks) and temporary food vendors (pop-up food vendors) shall not sell food to the public without a valid permit issued by the Director of Health. Only a person who complies with the requirements of this section and the related requirements of the Torrington Area Health shall be entitled to receive or retain such a permit. Permits are not transferable and shall be renewed annually. Temporary licenses are valid for 14 days and must be applied for 10 days prior to the event. A valid permit shall be posted in a conspicuous public location, visible to the patrons of the vendor or merchant.

Applications and forms for the Torrington Area Health District can be found at www.TAHD.org.

The provisions of this section shall apply to every itinerant/transit food establishment in the business of manufacturing for sale or dispensing food and/or beverages intended for human consumption and to every person operating a hotel, restaurant, store, or vehicle for selling or dispensing food and/or beverages to the public.

§ 158-3. - Application for permit and license; fee.

A. Any person, firm, or corporation applying for a permit and license under this chapter shall make an application under oath to the Police Chief in writing on a form to be furnished by him, which application shall contain the following information:(1)The name and description of the applicant.(2)The permanent home and full local address of the applicant.(3)A brief description of the nature of the business and goods to be sold or a brief description of the purpose or use for the moneys to be solicited.(4)If employed, the name and address of the employer, together with the credentials establishing the exact relationship.(5)If an employer, the name and address of each and every person or employee who will be engaged in said business.(6)The length of time for

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which the right to do business or solicit is desired.(7)The place where the goods or property or soliciting 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 the proposed method of delivery.(8)A photograph of the applicant, and of each and every employee or person who will be engaged in said business, taken within 60 days immediately prior to the day of the filing of the application, which picture shall be two by two inches, showing the head and shoulders of the applicant and each and every person and employee in a clear and distinguishing manner.(9)A statement as to whether or not the applicant or each and every employee or person to be engaged in said business has been convicted of a crime, felony, misdemeanor, or violation of any municipal ordinance, the nature of the offense, and the punishment assessed therefor.(10)A current state license issued pursuant to Title 21 of the General Statutes of Connecticut, authorizing the applicant to do business.(11)A state tax registration number.(12)Any other federal, state, or local license or approval, including but not limited to Torrington Area Health District, that is required for the applicant's business.

B. Fees. (1) There shall be a permit/license fee, established by the City Council-to cover the costs of the investigation of the facts therein.

(2) An additional fee established by the City Council shall be paid for each and every employee or person who will be engaged in the said business of the applicant.

(3) Any permanent merchant as defined in § 158-1 of this chapter shall be entitled to the investigation of three employees without additional cost.

§ 158-4. - Investigation; issuance of permit and license.

A. Upon receipt of such application, the Chief of Police shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

B. Upon receipt of any application where the applicant has employees or persons who will be engaged in his business, the Police Chief shall cause such investigation of each employee and person listed on the said application to be made of the employee or person's business and moral character as he deems necessary for the protection of the public good.

C. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same and shall notify the applicant that his application is disapproved and that no permit and license will be issued.

D. If, as a result of such investigation, the character or business responsibility of one or more of the applicant's employees or persons to be engaged in said business is found to be delete a said person or persons from his application or submit an amended application listing other persons to be his employees or persons engaged in the said business. The Police Chief shall then cause such inspection of the new persons listed as he deems necessary together with additional fees as established by the City Council.

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E. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and shall, upon payment of the described license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature and seal of the issuing officer and shall show the name, address, and photograph of the licensee, the class of license issued and the kinds of goods to be sold thereunder, the date of issuance, and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such business. The Police Chief shall keep a permanent record of all licenses issued.

§ 158-5. - Denial of permit and license; appeal.

Any person denied a permit and license may appeal to the Board of Councilmen of the City of Torrington by filing a written statement therewith, within 14 days after the date registration was refused, setting forth the grounds for appeal. The Board of Councilmen shall notify the applicant, at least 48 hours prior to the hearing date, of the time and place set for the hearing, such notice to be sent to the address given by the appellant in his statement of appeal or served personally on the appellant.

§ 158-6. - License fee; duration.

- A. The permit/license fee which shall be charged by the Police Chief for such license shall be as determined by the City Council.
- B. Each such license, no matter when issued, shall be valid for a one-year period beginning on March 1 and expiring on the last day of February.
- C. The license fee shall be reduced to an amount determined by the City Council for each license issued after October 1, but the application fee shall remain the same.

§ 158-7. - Badges.

- A. The Police Chief shall issue to each applicant, at the time of delivery of his license, a badge which shall contain his name, photograph, and the words "City of Torrington Licensed Transient Merchant," "Itinerant Merchant," "Itinerant Vendor," "Food Vendor," "Ice Cream Vendor," "Solicitor" or "Canvasser"; the expiration date; and the number of the license, in letters and figures easily discernible from a distance of ten feet. Such badge shall be worn constantly by the licensee on the front of his outer garment in such a way as to be conspicuous during the time such person is engaged in his business.
- B. The Police Chief shall also issue a badge to each and every employee or person engaged in said business identifying said person as an employee of the licensee. Said badge shall contain the employee's name, photograph, and the words "City of Torrington Licensed Transient Merchant," "Itinerant Merchant," "Itinerant Vendor," "Food Vendor," "Ice Cream Vendor," "Solicitor" or "Canvasser"; the expiration date; and the number of the license, in letters and figures easily discernible from a distance of ten feet. Such badge shall be worn constantly by a

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said person on the front of his outer garment in such a way as to be conspicuous during the time such person is engaged in the said business.

§ 158-9. - Exhibition of licenses.

Any person licensed under this chapter is required to exhibit his license at all times.

§ 158-10. - Duty of police to enforce.

It shall be the duty of any police officer of the City of Torrington to require any person seen doing business as a transient merchant, itinerant merchant, itinerant vendor, food vendor, ice cream vendor, solicitor, or canvasser and who is not known by such officer to be duly licensed to produce his license and to enforce the provisions of this chapter against any person found to be violating the same.

§ 158-11. - Exemptions.

The following shall be exempt from the provisions of this chapter:

- A. Any person delivering newspapers, fuel, dairy products, vegetables, or bakery goods to regular customers on established routes.
- B. Any person selling goods to retail or wholesale stores for resale.
- C. Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.
- D. Any incorporated agricultural society during the continuance of any annual fair held by such society.
- E. Any general sale, fair, auction, or bazaar held or sponsored by a local ecclesiastical society or church corporation.
- F. Any local charitable organization, local veterans organization, or local service organization conducting such business by its own membership or in conjunction with other similar organizations.
- G. Any general sale conducted by local students with prior authorizations of the Torrington Board of Education.
- H. Any tag sales or garage sales on local premises devoted to residential use or nonprofit organization.
- I. Any local charitable organizations, local ecclesiastical societies or church corporations, local veterans organizations, local service organizations, or other similar local organizations soliciting or canvassing door to door for contributions.
- J. Resident veterans. Any person who is a veteran who served in a time of war has been a resident of this state for a period of two years preceding the date of application, provided that said individual produces his certificate of honorable discharge or a certified copy thereof

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together with a certificate from the Town Clerk that the applicant is a resident of this state. Employees of a said veteran who are veterans are also exempt under this chapter. Any veteran who is also a permanent merchant is entitled to the investigation of three employees. Said resident veteran and his employees shall be subject to the investigation under § 158-4 of this chapter.

- K. Any person selling produce grown by that person on his premises.
- L. Any permanent merchant selling the same goods in front of his established place of business, provided that said permanent merchant complies with all other state statutes and city ordinances, i.e., sidewalk sales.
- M. Any person selling agricultural goods at a regularly scheduled farmers market.
- N. Any Torrington-sponsored event.

§ 158-12. - Revocation of permits and licenses; hearing.

A. Permits and licenses issued under the provisions of this chapter may be revoked by the City of Torrington for any of the following causes:(1)Fraud, misrepresentation, or false statement contained in the application for a license.(2)Fraud, misrepresentation, or false statement made in the course of carrying on said business.(3)Any violation of this chapter.(4)Conviction of any crime or misdemeanor involving moral turpitude.(5)Conducting said business in an unlawful manner or such manner as to constitute a breach of the peace or constitute a menace to the health, safety or general welfare of the public.

B. Upon a written complaint's being filed with the Chief of Police alleging any of the items listed in Subsection A(1) through (5) above, the Board of Councilmen shall hold a hearing within 14 days to determine if said permit and license shall be revoked. The Board of Councilmen shall notify the individual, at least 48 hours prior to the hearing date, of the time and place set for the hearing; such notice to be sent to the address given by the individual on his application or served personally on the individual, apprising him of the charges against him.

§ 158-13. – Hours

- A. No food vendor, ice cream vendor, itinerant vendor, itinerant merchant, transient merchant, solicitor, or canvasser as defined in § 158-1 shall solicit, canvass or sell door to door in a residential neighborhood within the City of Torrington before the hour of 9:00 a.m. or after the hour of 7:00 p.m. daylight saving time (DST), or after the hour of 5:00 p.m. Eastern standard time (EST), whichever is applicable.
- B. No food vendor, itinerant vendor, itinerant merchant, or transient merchant solicitor or canvasser shall sell or attempt to sell, solicit or canvass from any vehicle in a residential neighborhood before the hour of 9:00 a.m. or after the hour of 7:00 p.m. daylight saving time (DST), or after the hour of 5:00 p.m. Eastern standard time (EST), whichever is applicable.
- C. No ice cream vendor shall sell or attempt to sell from any vehicle in a residential neighborhood before the hour of 9:00 a.m. or after the hour of 9:00 p.m.

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- D. No food vendor or ice cream vendor shall sell or attempt to sell food or ice cream from any vehicle from 7:00 a.m. until 4:00 p.m. on any day when school is in session at any location within one block of any elementary, middle, or high school property without the prior written approval of both the Police Chief and the Board of Education.
- E. No food vendor, ice cream vendor, itinerant vendor, itinerant merchant, transient merchant, solicitor, or canvasser shall sell, attempt to sell, solicit or canvass in any nonresidential area of the city at such time as would cause public annoyance or disturbance of residents within their homes.
- F. Upon complaint being received by the Police Chief of a violation of Subsection E above, said vendor after an investigation of a said complaint of a violation is found, shall be issued a warning. Upon the receipt of three such warnings within the license period, a hearing shall be held in accordance with the provisions of § 158-12B of this chapter.
- G. Upon a finding that the violations did occur, the Board of Councilmen may revoke said license and permit or restrict the licensee's hours of operation to the hours of 9:00 a.m. until 9:00 p.m.

§ 158-14 Area of conduct restricted.

A. No vendor shall vend within 10 feet of any driveway, bus stop, or crosswalk nor within 20 feet of any intersection nor within any metered parking space. No such vendor shall sell any items within 250 feet of a brick and mortar building selling the same item.

B. No vehicle or stand or other item related to the operation of a vending business shall touch, lean against, or be affixed to any building or structure, including but not limited to lampposts, parking meters, mailboxes, traffic signal stanchions, fire hydrants, tree boxes, benches, bus shelters, refuse baskets or traffic barriers.

C. All goods, wares, or merchandise vended by a street vendor shall be contained upon or within the vehicle or stand used by the street vendor or contained upon the person of said vendor. In no case shall any goods, wares, or merchandise be placed directly upon a street, sidewalk, or public place.

D. No stand used for the purpose of vending shall be larger than five feet by three feet nor shall any stand be of such height that it obstructs the vision of pedestrian or motor vehicle traffic. All stands shall be of a portable nature.

E. No vehicle or stand shall be so located or placed as to obstruct pedestrian or motor vehicle traffic or be detrimental or injurious to public safety or interfere with the use of any street, sidewalk, or public place by the public at large.

F. No stand used for vending shall be located upon a public street or highway. Any vehicle used for vending upon a street shall obey all traffic and parking laws, rules and regulations. In no case shall a vehicle used for vending be placed so as to restrict the continued maintenance of a clear passageway for vehicular traffic. No vehicle shall be parked so as to have pedestrian traffic entering illegally into the public roadway.

§ 158-15. Vending in parks is restricted.

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No license issued pursuant to the provisions of this chapter shall be construed so as to permit the vending in any of the public parks of the city without approval.

§ 158-16. Violations and penalties.

Each act of vending goods or merchandise in violation of any of the provisions of this chapter shall be deemed a separate offense and shall be subject to a fine of \$50 for the first offense and \$100 for all subsequent offenses.

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