



2

CITY OF DANBURY

OFFICE OF THE MAYOR
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

MARK D. BOUGHTON
MAYOR

(203) 797-4511
FAX (203) 796-1666
m.boughton@ci.danbury.ct.us

December 22, 2009

Hon. Members of the City Council
155 Deer Hill Avenue
Danbury, CT 06810

Re: Amendment to Peddler's Ordinance/Roger Park Concessions

Dear Members of the Council:

In accordance with the attached proposed revisions, I would like to introduce to you some changes to our existing "Peddler's" (itinerant vendors) ordinance (Sec. 11-4 of the Code of Ordinances) to accomplish two basic goals.

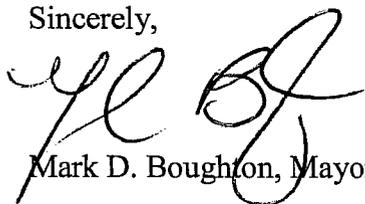
First, and while the present ordinance serves worthy purposes of permitting people to vend, for a statutory fee, on our streets and public places in accordance with specific rules established in the law, I propose to also establish some new standards for vending by fixed concessionaires, notably in the most used of public places, Rogers Park and establishing a new "Rogers Park Concession Zone"

Second, by revisiting the peddler's ordinance, I would also propose to adjust (or establish) the **fee structures** wherever possible and wherever permitted by State law. Thus, it is likely that we would propose creating concession revenues from the proposed fixed concessions in Rogers Park, pursuant to a lease or license mechanism so as to allow safe, sanitary and revenue producing business at the Park, as well as using statutory authority provided to assess the annual vendor fee to each individual working the itinerant vending business for which a permit is issued.

By establishing Rogers Park as a "zone" for fixed concessions, it is my feeling that we will not only enable additional vending and product distribution, but also do so with the safety of playing children, sports teams and others who frequent the Park during the season in mind. Creation of the concession zone, if successful, also opens the possibility of utilizing that process elsewhere for purposes of uniform revenue, safe concessions and safety and security for children and City park users.

Kindly consider the foregoing in committee, and we will be prepared to explain the overall concept to you in more detail. Thank you for your attention to this matter.

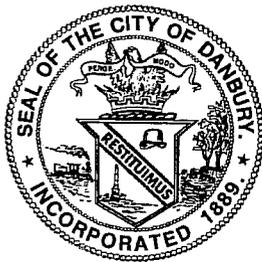
Sincerely,



Mark D. Boughton, Mayor

Attachment

cc: David St. Hilaire, Director of Finance
Nick Kaplanis, Director of Recreation
Antonio Iadarola, P.E., Director of Public Works



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

_____ A.D. 2010

Be it ordained by the City Council of the City of Danbury:

THAT Sections 11-4 (B) Peddlers and (I) (1) (b) of the Code of Ordinances of the City of Danbury are hereby amended to read as follows:

Sec. 11-4. Peddlers.

- (B) License required; issuance. No peddler, as herein defined, except those exempt under the General Statutes of the State of Connecticut or this section, shall be permitted to conduct business within the City of Danbury without first obtaining a license. The chief of police of the City of Danbury or his designee may authorize the town clerk of the City of Danbury to issue a license to any peddler, agent and any person assisting in said vending operation authorizing such peddler to barter, sell, to exhibit for the sale of, or to exhibit for the purpose of taking orders for the sale of his goods or merchandise in the City of Danbury provided such peddler shall have fully complied with the provisions hereof and shall each have made payment of the sum of two hundred dollars (\$200.00) or such higher amount as may be established by statute or other enactment to the town clerk of the City of Danbury for said license. Each license so issued shall contain a full-face photograph of the licensee.
- (I) Permits for individual agents and employees of peddlers:
- (1) Required; authority to issue. All individuals who are agents and employees of peddlers shall be prohibited from conducting business within the City of Danbury until:
 - (b) Said agents and employees have obtained individual permits from the chief of police or his designee. The chief of police or his designee is authorized to issue a permit to any employee or agent of a licensed peddler authorizing any such employee or agent to barter, sell, exhibit for sale, or exhibit for the purpose of taking orders for sale, in the City of Danbury, of his goods or merchandise; but only after each such employee or agent has fully complied with the provisions hereof and has made payment in a sum as established in accordance with subsection 11-4 (B) hereof. Permits will not be required for employees or agents of a principal who is otherwise exempt from the provisions of this section.

COPY SHOWING DELETIONS AND NEW LANGUAGE

THAT Sections 11-4 (B) Peddlers and (I) (1) (b) of the Code of Ordinances of the City of Danbury are hereby amended to read as follows:

Sec. 11-4. Peddlers.

(B) License required; issuance. No peddler, as herein defined, except those exempt under the General Statutes of the State of Connecticut or this section, shall be permitted to conduct business within the City of Danbury without first obtaining a license. The chief of police of the City of Danbury or his designee may authorize the town clerk of the City of Danbury to issue a license to any peddler, AGENT AND ANY PERSON ASSISTING IN SAID VENDING OPERATION authorizing such peddler to barter, sell, to exhibit for the sale of, or to exhibit for the purpose of taking orders for the sale of his goods or merchandise in the City of Danbury provided such peddler shall have fully complied with the provisions hereof and shall EACH have made payment of the sum of two hundred dollars (\$200.00) OR SUCH HIGHER AMOUNT AS MAY BE ESTABLISHED BY STATUTE OR OTHER ENACTMENT to the town clerk of the City of Danbury for said license. Each license so issued shall contain a full-face photograph of the licensee.

(I) Permits for individual agents and employees of peddlers:

(1) Required; authority to issue. All individuals who are agents and employees of peddlers shall be prohibited from conducting business within the City of Danbury until:

(b) Said agents and employees have obtained individual permits from the chief of police or his designee. The chief of police or his designee is authorized to issue a permit to any employee or agent of a licensed peddler authorizing any such employee or agent to barter, sell, exhibit for sale, or exhibit for the purpose of taking orders for sale, in the City of Danbury, of his goods or merchandise; but only after each such employee or agent has fully complied with the provisions hereof and has made payment in ~~THE~~ A sum AS ESTABLISHED IN ACCORDANCE WITH SUBSECTION 11-4 (B) HEREOF OF ONE DOLLAR (\$1.00) FOR SAID PERMIT. Permits will not be required for employees or agents of a principal who is otherwise exempt from the provisions of this section.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by ~~strikeouts~~.



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

_____ A.D. 2010

Be it ordained by the City Council of the City of Danbury:

THAT the Code of Ordinances of the City of Danbury is hereby amended by the addition of Sec. 11-5 Rogers Park Concession Zone and the Relocation of the Existing Sec. 11-5 to a new Section, 11-6 as follows:

Sec. 11-5. Rogers Park Concession Zone; no motorized concession vehicles.

- (A) *Definitions.* “*Rogers Park Concession Zone*” (“RPCZ”) means that portion of City property comprising park space from the sidewalks in, and bounded on the north by South Street, on the east by Coalpit Hill Road and on the west by Mountainville Road and the south by Old Quarry Nature Center, inclusive of all fields, facilities, buildings and other appurtenances as may be under the ownership and control of the City of Danbury, as may be depicted on maps available in the City of Danbury Engineering Department. “*Motorized concession vehicles*” means motor vehicles powered by any form of gas, turbine, electric or other artificially powered engine necessary to propel the vehicle in movement.. *Fixed concessions* shall mean those occupying space in a designated location and with a facility approved for such concession purposes by the authority designated in subsection (B) hereof. *Transient Concessions* shall mean non motorized itinerant vendors operating pursuant to guidelines established pursuant to Sec. 11-4 of these ordinances and operating pursuant to a fee structure as may be established by schedule.
- (B) *Declaration of policy.* It is hereby found and declared that the presence of motorized concession vehicles within the confines of the Rogers Park Concession Zone endangers public safety and the general health and welfare of the community, and that it is in the best interest of the City of Danbury to provide for alternative means of concession vending as determined by its Director of Public Works and its Director of Recreation.
- (C) *Fixed concessions allowed. Transient concessions.* Permitted concessions in the RPCZ shall be limited to either non motorized transient vendors under a valid permit pursuant to Sec. 11-4 of this Code or such fixed concessions permitted pursuant to a specified fee schedule or a lease or license and as may be authorized in accordance with the further provisions hereof. Such fixed concessions shall be located in sections of Rogers Park as determined by those authorities designated in subsection (B) hereof. Non fixed, non motorized vending is permissible only as authorized pursuant to Sec. 11-4 hereof.
- (D) *Permit or license/lease fees/fixed concessions.* The minimum annual fee for the operation of non transient, fixed concessions shall be \$2500.00 to defray the costs of administration, monitoring and inspection. Such fees shall be established in accordance with procedures or applications as developed by those authorized pursuant to subsection (B) hereof and further in accordance with those general operation and application standards established pursuant to Sec. 11-4 hereof. In cases where a vendor operates pursuant to a negotiated license or lease agreement, payments thereunder shall be established in accordance with standards utilized by the Danbury Purchasing Department and the Board of Awards to reflect market rates.

(E) Any vendor operating pursuant to the provisions hereof shall have complied and must maintain compliance with all other applicable standards and requirements as may be set forth in Sec. 11-4 of the Code of Ordinances, where applicable and consistent.

| Sec. 11.6 Regulation of bazaars and raffles; adoption of state law.

In order to effectively regulate bazaars and raffles to be held within the City of Danbury, the city does hereby adopt the provisions of the General Statutes of the State of Connecticut, Revision of 1958, sections 7-170 to 7-186, inclusive, as the same may be amended from time to time.

COPY SHOWING DELETIONS AND NEW LANGUAGE

THAT the Code of Ordinances of the City of Danbury is hereby amended by the addition of Sec. 11-5 Rogers Park Concession Zone and the Relocation of the Existing Sec. 11-5 to a new Section, 11-6 as follows:

SEC. 11-5. ROGERS PARK CONCESSION ZONE; NO MOTORIZED CONCESSION VEHICLES.

- (A) DEFINITIONS. "ROGERS PARK CONCESSION ZONE" ("RPCZ") MEANS THAT PORTION OF CITY PROPERTY COMPRISING PARK SPACE FROM THE SIDEWALKS IN, AND BOUNDED ON THE NORTH BY SOUTH STREET, ON THE EAST BY COALPIT HILL ROAD AND ON THE WEST BY MOUNTAINVILLE ROAD AND THE SOUTH BY OLD QUARRY NATURE CENTER, INCLUSIVE OF ALL FIELDS, FACILITIES, BUILDINGS AND OTHER APPURTENANCES AS MAY BE UNDER THE OWNERSHIP AND CONTROL OF THE CITY OF DANBURY, AS MAY BE DEPICTED ON MAPS AVAILABLE IN THE CITY OF DANBURY ENGINEERING DEPARTMENT. "MOTORIZED CONCESSION VEHICLES" MEANS MOTOR VEHICLES POWERED BY ANY FORM OF GAS, TURBINE, ELECTRIC OR OTHER ARTIFICIALLY POWERED ENGINE NECESSARY TO PROPEL THE VEHICLE IN MOVEMENT.. FIXED CONCESSIONS SHALL MEAN THOSE OCCUPYING SPACE IN A DESIGNATED LOCATION AND WITH A FACILITY APPROVED FOR SUCH CONCESSION PURPOSES BY THE AUTHORITY DESIGNATED IN SUBSECTION (B) HEREOF. TRANSIENT CONCESSIONS SHALL MEAN NON MOTORIZED ITINERANT VENDORS OPERATING PURSUANT TO GUIDELINES ESTABLISHED PURSUANT TO SEC. 11-4 OF THESE ORDINANCES AND OPERATING PURSUANT TO A FEE STRUCTURE AS MAY BE ESTABLISHED BY SCHEDULE.

- (B) DECLARATION OF POLICY. IT IS HEREBY FOUND AND DECLARED THAT THE PRESENCE OF MOTORIZED CONCESSION VEHICLES WITHIN THE CONFINES OF THE ROGERS PARK CONCESSION ZONE ENDANGERS PUBLIC SAFETY AND THE GENERAL HEALTH AND WELFARE OF THE COMMUNITY, AND THAT IT IS IN THE BEST INTEREST OF THE CITY OF DANBURY TO PROVIDE FOR ALTERNATIVE MEANS OF CONCESSION VENDING AS DETERMINED BY ITS DIRECTOR OF PUBLIC WORKS AND ITS DIRECTOR OF RECREATION.

- (C) FIXED CONCESSIONS ALLOWED. TRANSIENT CONCESSIONS. PERMITTED CONCESSIONS IN THE RPCZ SHALL BE LIMITED TO EITHER NON MOTORIZED TRANSIENT VENDORS UNDER A VALID PERMIT PURSUANT TO SEC. 11-4 OF THIS CODE OR SUCH FIXED CONCESSIONS PERMITTED PURSUANT TO A SPECIFIED FEE SCHEDULE OR A LEASE OR LICENSE AND AS MAY BE AUTHORIZED IN ACCORDANCE WITH THE FURTHER

PROVISIONS HEREOF. SUCH FIXED CONCESSIONS SHALL BE LOCATED IN SECTIONS OF ROGERS PARK AS DETERMINED BY THOSE AUTHORITIES DESIGNATED IN SUBSECTION (B) HEREOF. NON FIXED, NON MOTORIZED VENDING IS PERMISSIBLE ONLY AS AUTHORIZED PURSUANT TO SEC. 11-4 HEREOF.

(D) PERMIT OR LICENSE/LEASE FEES/FIXED CONCESSIONS. THE MINIMUM ANNUAL FEE FOR THE OPERATION OF NON TRANSIENT, FIXED CONCESSIONS SHALL BE \$2500.00 TO DEFRAY THE COSTS OF ADMINISTRATION, MONITORING AND INSPECTION. SUCH FEES SHALL BE ESTABLISHED IN ACCORDANCE WITH PROCEDURES OR APPLICATIONS AS DEVELOPED BY THOSE AUTHORIZED PURSUANT TO SUBSECTION (B) HEREOF AND FURTHER IN ACCORDANCE WITH THOSE GENERAL OPERATION AND APPLICATION STANDARDS ESTABLISHED PURSUANT TO SEC. 11-4 HEREOF. IN CASES WHERE A VENDOR OPERATES PURSUANT TO A NEGOTIATED LICENSE OR LEASE AGREEMENT, PAYMENTS THEREUNDER SHALL BE ESTABLISHED IN ACCORDANCE WITH STANDARDS UTILIZED BY THE DANBURY PURCHASING DEPARTMENT AND THE BOARD OF AWARDS TO REFLECT MARKET RATES.

(E) ANY VENDOR OPERATING PURSUANT TO THE PROVISIONS HEREOF SHALL HAVE COMPLIED AND MUST MAINTAIN COMPLIANCE WITH ALL OTHER APPLICABLE STANDARDS AND REQUIREMENTS AS MAY BE SET FORTH IN SEC. 11-4 OF THE CODE OF ORDINANCES, WHERE APPLICABLE AND CONSISTENT.

| ~~Sec. 11-5.~~ 11.6 Regulation of bazaars and raffles; adoption of state law.

In order to effectively regulate bazaars and raffles to be held within the City of Danbury, the city does hereby adopt the provisions of the General Statutes of the State of Connecticut, Revision of 1958, sections 7-170 to 7-186, inclusive, as the same may be amended from time to time.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

| Deleted language is indicated by ~~strikeouts~~.