

Chapter 198

VENDING AND SIDEWALK, TAG AND AUCTION SALES

[HISTORY: Adopted 1-24-1983 by the Special Town Meeting of the Town of Somers, effective 2-25-1983. Amendments noted where applicable.]

GENERAL REFERENCES

Vendors, hawkers and peddlers -- See Ch. 196.

~ 198-1. License required.

It shall be unlawful for any person, firm, corporation, church, club or charitable institution to vend, sell, dispose of or offer to vend, sell, dispose of or display any goods, wares, household items, merchandise, produce or vegetables, excepting produce and vegetables grown on the land whereon sold, on any public walk, street or thoroughfare or anywhere within the Town of Somers without having first obtained a license from the Board of Selectmen for such purpose or purposes and having paid a license fee therefor, as hereinafter provided. This chapter shall not apply to any retail sales establishment conducting business within a commercial or industrial zone as an ongoing daily business operation.

~ 198-2. Application for license.

Application for such license shall be made in writing to the Board of Selectmen or other such person designated by the Board of Selectmen. The application shall contain the name of the applicant (if an individual), the names of all partners (if a partnership) and the names of the officers (if a corporation, church, club or charitable institution) and shall include the location of the place where merchandise, goods, wares, household items, produce or vegetables are to be displayed and sold.

~ 198-3. Fees.

The license fee to be charged for such application shall be two dollars (\$2.) for each day (or portion thereof) approved and so licensed. All such fees shall be paid to the Town Clerk and shall become part of the town general fund. At the discretion of the Selectmen, the fee may be waived for a single day's sale. Said license fee, as above stated, shall increase automatically to six dollars (\$6.) if said license is obtained at any location other than at the Town Hall. Any subsequent failure to so obtain said license at the Town Hall shall result in an automatic increase of the fee, as above stated, to fifteen dollars (\$15.) per day or any part thereof. Nothing herein shall be interpreted to diminish the effect of ~ 198-7.

~ 198-4. Review by Board of Selectmen; conditions.

A. In acting upon each application, the Board of Selectmen shall consider, among other things, the premises involved, as they relate to parking and traffic safety (pedestrian and vehicular), together with the general public safety, welfare and convenience.

B. The Selectmen may subject the licensee and the licensed premises to such conditions and/or restrictions they deem necessary in the public's interest and safety as mentioned above. There shall be sufficient parking for the maintenance of the regular flow of traffic in the area of premises licensed. No streets, walks and ways shall be blocked by any merchandise, a two-foot passageway for pedestrians shall be left open, and all merchandise shall be secured so that it will not endanger those in the area. Such sales shall not be operated in any manner which would cause a nuisance or create a fire hazard.

~ 198-5. Signs; duration of sale.

A. A small announcement sign for such a sale, not to exceed two (2) square feet in area, may be placed on the licensed premises not more than three (3) days before the licensed date.

B. No such sale shall exceed three (3) calendar days in duration.

~ 198-6. Inspections.

The Town Enforcement Officer, the Chief of the Somers Fire Department or other such person designated by the Board of Selectmen shall make, or cause to be made, sufficient inspections to ensure compliance with the provisions of this chapter and the licenses issued hereunder.

~ 198-7. Penalties for offenses.

Any person, firm or corporation violating any provision of this chapter shall be fined not less than fifteen dollars (\$15.) nor more than fifty dollars (\$50.) for each violation, and a separate offense shall be deemed committed for each day during or on which a violation occurs or continues.