

MAYOR  
DAVID R. MARTIN



**CITY OF STAMFORD**  
**OFFICE OF LEGAL AFFAIRS**

888 WASHINGTON BOULEVARD  
P.O. BOX 10152  
STAMFORD, CT 06904 - 2152  
Tel: (203) 977-4081  
Fax: (203) 977-5560

**DIRECTOR OF LEGAL AFFAIRS  
AND CORPORATION COUNSEL  
KATHRYN EMMETT**

DEPUTY CORPORATION COUNSEL  
VIKKI COOPER

ASSISTANT CORPORATION COUNSEL  
CYNTHIA C. ANGER  
BARBARA L. COUGHLAN  
CHRIS DELLASELVA  
DANA B. LEE  
AMY LIVOLSI  
BURT ROSENBERG  
MICHAEL S. TOMA

January 6, 2021

To: Valerie Rosenson, Legislative Officer  
Board of Representatives

From: Burt Rosenberg, Asst. Corporation Counsel *BR*

Re: Legal opinion regarding Code Sections 179-14 et seq. – Solicitors

You have asked this office for an opinion regarding the enforceability of Code 179-14 et seq. which requires that solicitors obtain permits. It is my understanding that the genesis of your inquiry is a discovery that Cashiering & Permitting has not required such permits for some period of time.

In my opinion there is a conflict between the City Ordinance and the state enabling statute which renders the Ordinance unenforceable. The Ordinance defines "solicit" as the conditional sale of merchandise/taking of orders when full payment is NOT required at the time of the sale. The state enabling statute, CGS Section 21-37 (termed as vending, hawking or peddling, but refers to CGS Section 12-409 which addresses selling in general, and therefore, soliciting) authorizes municipalities to enact ordinances placing requirements on solicitation. The statute provides that selling merchandise when full payment is not required is outside the scope of this enabling statute re ordinances on soliciting. As stated above, our Ordinance defines soliciting as selling merchandise when full payment is not required.

Based upon the above described conflict, it is my opinion that the Ordinance is not valid for the reason that it directly conflicts with the State enabling statute.

Copies of the Ordinance and the State statute are attached hereto.

I will be happy to entertain any questions from you or any Board members which this opinion may raise.

C: Kathryn Emmett, Director of Legal Affairs

## **Sec. 179-14. - Definitions.**

For the purposes of this article, the following terms shall mean:

*Division of cashiering and permitting.* That division within the Office of Operations of the City of Stamford that is authorized to issue licenses, pursuant to [Chapter 154](#) of the Code of Ordinances.

*Solicit.* The conditional sale of merchandise or the taking of orders for merchandise for future delivery **when full payment is not required at the time of solicitation, or any sales made on approval.**

*Solicitor.* Any person who goes from place to place, house to house or dwelling unit to dwelling unit within a multidwelling building or who stands in any street, sidewalk or public place taking or offering to take orders for goods, wares or merchandise for future delivery or for services to be performed in the future.

## **• Sec. 179-15. - Permit required.**

A.  
No solicitor, as herein defined, over 16 years of age, except those exempt under the Connecticut General Statutes or this article, shall solicit orders of purchase for any goods, wares or merchandise, including magazines and other printed matter, without first obtaining a permit. Such permit shall be issued by the Division of Cashiering and Permitting, provided that such solicitor shall have fully complied with the provisions of this article and otherwise met its requirements, and shall have made payment of the sum of \$350 for said permit.

B.  
Each permit so issued shall contain the full name and address of the solicitor, the permit number, the year for which the permit is valid, and a nonremovable full-face photograph of the permittee.

C.  
Each permit so issued shall be prominently displayed upon the person of the solicitor at all times that said solicitor is engaged in the business of soliciting orders within the City of Stamford.

# **General Statutes**

## **Title 21 - Licenses**

### **Chapter 408 - Hawkers and Peddlers**

#### **Section 21-37 - Town ordinances re vending, hawking or peddling. Fees. Permit fees not required of certain veterans.**

**Universal Citation:** [CT Gen Stat § 21-37 \(2013\)](#)

Any town may make reasonable ordinances with reference to the vending or hawking upon its public streets or upon any state highway, except limited access highways, within such town or any land abutting such streets or highways of any goods, wares or other merchandise at public or private sale or auction, or to the vending or peddling of such articles from house to house within its limits, including the imposition

of a fee, not exceeding two hundred dollars a year, applicable with respect to any person engaged in such vending, hawking or peddling, for the privilege of so vending, hawking or peddling such merchandise. Any ordinance adopted pursuant to this section which requires a permit may require that no such permit shall be issued to any person who has not obtained a permit to engage in or transact business as a seller within the state in accordance with section 12-409 and shall require that any permit issued pursuant to such ordinance shall be conspicuously displayed at the place the activities are undertaken. Such ordinances may provide that the authority issuing such permit may waive the permit fee for a nonprofit organization exempt from federal taxation by Section 501 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, or a charitable organization. No town shall require a permit fee from any resident of this state who has resided within the state for a period of two years next preceding the date of application for such permit, who is (1) a veteran who served in time of war, as defined in section 27-103, (2) a hawker or peddler as defined in section 21-36, and (3) a principal pursuant to section 21-36. **This section shall not apply to sales by farmers and gardeners of the produce of their farms, gardens and greenhouses, including fruit, vegetables and flowers, or to the sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods, to sales on approval, to conditional sales of merchandise, or to the taking of orders for merchandise for future delivery when full payment is not required at the time of solicitation.** Nothing in this section shall be construed to limit in any manner the Commissioner of Transportation's statutory authority concerning state highways. Nothing in this section shall be construed as empowering any municipality to prohibit, regulate, control or impose a fee on any person operating any business on any state highway or land abutting any state highway pursuant to a contract with the state.