

## **PUBLIC HEARING MINUTES**

**March 19, 2018**

**8:00 p.m.**

### **South Windsor Town Council**

**PURPOSE: To receive citizen input on the establishment of an Ordinance  
- Solicitation of Charitable Funds on behalf of Veterans**

Mayor Anwar called the Public Hearing to order at 8:00 p.m.; and requested that the Clerk of the Council read the call of the meeting (a copy of which is attached hereto, **Exhibit A**). There were approximately twenty-five (25) people present in the audience. The ordinance is shown in **Exhibit B**.

Mayor Anwar asked if there was anyone from the public that would like to speak.

Mr. Ken Sek, 285 Griffin Road, came forward to speak in support of the establishment of this ordinance. He explained that very little of the money collected goes towards veterans.

Mr. Robert Dickinson, 19 Birch Road, stated that he is in favor of this ordinance because it is too often that the veterans only receive 5% of what has been donated.

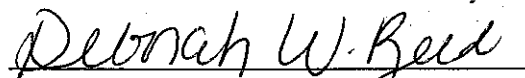
Mayor Anwar asked for a Straw Vote, the results of which were as follows:

Those supporting the establishments of an Ordinance – Solicitation of Charitable Funds on behalf of Veterans: 13

Those opposed to the establishment of an Ordinance – Solicitation of Charitable Funds on behalf of Veterans: 0

The public hearing was closed at 8:05 p.m.

Respectfully submitted,



Deborah W. Reid  
Clerk of the Council

**Public Hearing Notice – Exhibit A**  
**Ordinance – Exhibit B**



OFFICE  
OF THE  
TOWN COUNCIL

## Town of South Windsor

1540 SULLIVAN AVENUE • SOUTH WINDSOR, CT 06074-2786  
AREA CODE 860/644-2511  
FAX 860/644-3781

TO BE PUBLISHED IN THE JOURNAL INQUIRER

March 12, 2018

LEGAL AD

TOWN OF SOUTH WINDSOR

Notice is hereby given that the South Windsor Town Council has set Monday, March 19, 2018, at 8:00 p.m., in the Council Chambers of the South Windsor Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut as the time and place for a Public Hearing to receive citizen input on the establishment of an Ordinance – Solicitation of Charitable Funds on behalf of Veterans.

Dated at South Windsor, Connecticut this 8<sup>th</sup> day of March 2018.

Attested to by:

Deborah W. Reid  
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Clerk of the Council

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Journal Inquirer  
March 12, 2018

## **TOWN OF SOUTH WINDSOR ORDINANCE**

### **Chapter. Solicitation of Charitable Funds on behalf of Veterans.**

#### **Section 1: Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

*Veteran* means any person honorably discharged from, or released under honorable conditions for active service in, the armed forces.

*Person* means a natural person or any firm, corporation, association, club, society or other organization.

*Charitable* means and includes the words patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal. Provided the primary purpose of the person on whose behalf any solicitation is made is the promotion of the public good on a non-profit basis. Being qualified to register pursuant to Sections 501 (c) 3, 19 and/or 23 of the Internal Revenue Code as it may be amended from time to time shall be definitive proof of a charitable intent, otherwise the burden is on said person to establish contributions will be used for charitable purposes.

*Contribution* means any grant, promise or pledge of money, credit, property, financial assistance, or other thing of value received as a result of a fund-raising activity.

*Solicit* or *solicitation* means the request directly of money, credit, property, financial assistance or other items of value on the plea or representation that such money, credit, property, financial assistance or other items will be used for a charitable purpose.

#### **Section 2: Approval.**

It shall be unlawful for any person to solicit contributions on behalf of and/or to benefit Veterans, as defined herein, without filing an application for a Permit to Solicit Donations with the South Windsor Police Department (SWPD) and obtaining an approved Permit from the SWPD in compliance with the provisions of this chapter.

#### **Section 3: Application for Approval.**

- (a) Any person seeking approval to solicit funds under this chapter must submit an application to the SWPD, on a form to be furnished by the South Windsor Patriotic

Commission, and on file in the Town Manager's Office and posted on the Town's website, which form shall provide the following information:

- (1) Organization name;
  - (2) Address and Telephone number;
  - (3) Identity of Solicitor(s);
  - (4) Veteran status of Solicitor(s);
  - (5) Whether paid Solicitor;
  - (6) Department of Consumer Protection (DCP) Registration Number;
  - (7) Veterans Group Benefiting from Solicitation; and
  - (8) Organization's minimum percentage donated to Veterans as filed with DCP
- (b) The Patriotic Commission shall adopt regulations as necessary to carry out its duties, including procedures and time limits for taking any action authorized by this chapter.
- (c) Upon receipt of an application required by this chapter, the SWPD shall refer said application to the Patriotic Commission which shall conduct such investigation of the applicant's organization as it deems necessary for the protection of the public good and report its findings and recommendation to approve or disapprove the application to the SWPD within 15 days of said referral.
- (d) If as a result of such investigation the application is approved by the SWPD, it shall issue said Permit which shall be displayed in accordance with this chapter. In the event of disapproval, the SWPD shall notify the applicant that the application is disapproved and that no approval will issue. Failure to disapprove or deny the application within 5 days of receiving the Patriotic Commission's recommendation shall result in the application being deemed approved.

**Section 4: Transferability, Use, Duration and Display of Permit.**

- (a) No permit issued under this chapter shall be used by any person other than the one to whom it is issued.
- (b) Permits shall be conspicuously displayed at the place where the activity is undertaken.
- (c) Permits shall not be interpreted to grant any person exclusive right to any location in the public streets, a stationary location, or permission to operate in any congested area where his operation might impede or inconvenience the public.
- (d) Permits shall be valid for one year from the date of issuance, unless revoked or suspended.

### **Section 5: Revocation.**

Permits issued under this chapter may be revoked by the SWPD on its own initiative or by referral from the Patriotic Commission after notice and hearing for any one or more of the following reasons:

- (a) Fraud, misrepresentation or false statement contained in the application.
- (b) Fraud, misrepresentation or false statement made in the course of solicitation.
- (c) For good cause shown, including violation(s) of this chapter.
- (d) Conviction of any crime or misdemeanor involving moral turpitude.
- (e) Conducting business in such a manner as to constitute a breach of the peace.

### **Section 6: Notice and Hearing.**

Notice of a hearing for revocation of a Permit issued under this chapter shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the person at the address shown on the application for approval or to the last known address of the person. Hearings will be conducted by the Patriotic Commission pursuant to regulations adopted by the Commission. The Commission will report its findings to the SWPD which will consider such findings in deciding whether to revoke said Permit.

### **Section 7: Penalties for offenses.**

The first violation of any of the provisions of this chapter shall be punished by a fine not to exceed \$100. Each day any such violation shall continue or each act in violation of this Chapter shall constitute a separate offense. The second violation by any person or entity of any provision of this chapter shall be punished by a fine of \$175. Subsequent violations of any provision of this chapter shall be punished by a fine of \$250.

### **Section 8: Enforcement.**

- (a) The Patriotic Commission is charged with enforcing the provisions of this Ordinance in conjunction with the South Windsor Police Department.
- (b) The Patriotic Commission shall investigate any complaints made against any persons concerning this Ordinance.
- (c) The Patriotic Commission and/or any person aggrieved by any act constituting a violation of this Chapter may complain to the South Windsor Police Department which may enforce these provisions, with or without complaint.
- (d) This Chapter shall be enforced by citations issued by the designated municipal officers or employees in accordance with Connecticut General Statute Sections 51-164m and/or 51-164p Violations of Municipal Ordinances (penalty greater than \$90.00 but not more than \$250.00).
- (e) The appeal of any such Infraction Ticket issued for Violation for Municipal Ordinances shall be via the Centralized Infraction Bureau and Connecticut Superior Court system pursuant to C.G.S. Sec. 51-164n.

**Section 9: Severability.**

All provisions of the Charter, Ordinances and/or any applicable law(s) which are more stringent than those set forth herein, remain valid and may be enforced in addition to the provisions of this Chapter. If any section, paragraph, sentence, clause or phrase of this ordinance or any part thereof, is for any reason held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portion of this ordinance or any part thereof.

**THIS ORDINANCE WILL TAKE EFFECT IN ACCORDANCE  
WITH THE TOWN CHARTER**