

A BILL FOR AN ORDINANCE REGULATING THE)
SALE OF GOODS, WARES AND MERCHANDISE)
BY AUCTION, REGULATING AUCTIONEERS,)
PROVIDING A PENALTY FOR THE VIOLATION)
THEREOF, DECLARING AN EMERGENCY AND)
REPEALING ALL ORDINANCES AND PARTS)
OF ORDINANCES IN ~~CONNECTION~~ HEREWITH.)
CONFLICT

ORDINANCE BILL NO. 8
for 1961
ORDINANCE NO. 1090

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

Section (1) Definitions:

"Auction House" is hereby defined to be any fixed place of business where any goods, wares and merchandise are sold or offered for sale at public outcry to the highest bidder on the spot.

"Auctioneer" means any person who sells or offers to sell any property at auction, either for himself or another person.

"Auction" is any public sale at which goods, wares or merchandise are offered for sale to the highest bidder.

Section (2) It shall be unlawful to conduct or operate an auction, or an auction house, without having first obtained a license so to do as provided herein.

Section (3) Auctions shall be divided into the following classes:

First Class: An auction of the first class is one which is regularly conducted at a designated place which shall be known and advertised as an auction house, and the site of said auction shall be specified in the license. The license fee required to conduct an auction of the first class shall be \$25.00 per year; and auctioneers conducting first class auctions shall pay an annual fee of \$25.00.

Second Class: An auction of the second class is one conducted by a merchant desiring to close out his stock, where the same has been kept as a continuous stock for sale within the City of Lebanon for more than one year prior to the date of the commencement of the auction sale. The license fee required to conduct an auction of the second class shall be \$1.00 per day; and auctioneers conducting auctions of the second class shall pay a license fee of \$1.00 per day.

Third Class: An auction of the third class shall be one conducted for the sale of goods brought into the city for said auction sale, whether the same be the property of the auctioneer or not. Auctions shall be deemed to be of the third class if they consist wholly or partly of goods, wares or merchandise offered for sale within 2 months of the date they were brought into the City, except such auctions as come within the definitions of Second Class auctions. Auctions shall be deemed to be of the Third Class if the auctioneer conducting the same cannot give satisfactory evidence to the City Recorder so as to establish the auction as one of the first class or second class. The license fee required to conduct an auction of the third class shall be \$50.00 per day; and auctioneers conducting an auction of the third class shall pay a daily license fee of \$50.00.

License fees shall be payable in advance at the time application is made for a license.

Section (4) Contents of License. An auction license shall state the class of the auction for which it was issued, the fee paid, the duration of the auction, the exact place where the auction shall be held, and the person for whom the auction is being conducted.

An auctioneer's license shall state the name and permanent address of the auctioneer, the temporary address while within the City of Lebanon, the class of auction for which the license was issued, the fee paid, and the duration of the license.

Section (5) An applicant for an auctioneer's license must be a citizen of the United States, a resident of the State of Oregon, and of good moral character. If the Recorder or person issuing the license is not satisfied that the applicant has proven his good moral character as required herein, then no license shall be issued. Applicants for an auctioneer's license must appear in person and present their application at least one week prior to the first date of the auction for which the license is desired. Applications for an auction or auctioneer's license shall be in writing and shall contain all the facts required to be stated in the license.

Section (6) Display of License. The auction license and the license of the auctioneer conducting the auction shall be posted and prominently displayed at the place of auction.

Section (7) Conduct of class three auctions. Every article offered for sale in a class three auction shall have securely attached thereto a tag upon which shall be plainly written the name of the manufacturer of the article or the trade name by which the article is known and a statement as to whether the article is new or used. The tag shall remain attached to the article sold and shall be delivered to the purchaser by the persons selling the same. The information stated on the tag shall be deemed to be a representation to the buyer inducing him to purchase. Before bids are requested on any article the information stated on the tag shall be read to the prospective buyers.

Section (8) Restrictions on class two auctions. No license for a class two auction shall be issued except for the purpose of enabling the person for whom the auction is being held to close out said person's stock in trade and retire from business. It shall be unlawful and a violation of this ordinance for any person to make application for a class two auction license or to conduct a closeout auction when any goods have been purchased or brought into the place of business in anticipation of such auction sale. It shall be unlawful for any person during the progress of any class two auction to replenish his stock by substitution, fillins, leaders or goods of any kind. All closing-out auctions shall be held on successive days, Sundays and holidays excepted, and shall not continue for more than sixty (60) days in all from the commencement of said sale.

Section (9) Suspension and Revocation of License. The City Recorder shall have the power to suspend any auction or auctioneer's license granted by the City whenever it shall appear to his satisfaction that the person to whom said license has been issued has been guilty of the violation of any of the terms or provisions of this ordinance or has been guilty of any unlawful or fraudulent act, practice, or course of conduct, in selling any articles at public auction. The person whose license has been so suspended may appeal to the Ordinance Committe of the City Council, and

shall have the opportunity to be heard before said Committee within seven (7) days after giving notice of said appeal to the Chairman of said Committee. If no such grounds existed and if the Ordinance Committee in the exercise of its discretion, decides not to revoke the license, then the suspension shall be lifted and the time during which the license is valid shall be extended by the time the suspension was in effect. Action taken to suspend or revoke a license shall have no effect on any criminal proceedings which may be brought for violation of this Ordinance.

Section (10) Penalty for Violation. Any person who shall violate any of the provisions or terms of this Ordinance or who shall conduct an auction without having complied with the requirements herein set forth shall be deemed guilty of a misdemeanor and upon conviction thereof in the Municipal Court shall pay a fine not to exceed \$100.00, or may be imprisoned in the City jail for not more than 10 days, or both, in the discretion of the court.

Section (11) Sales Exempted. The provisions of this Ordinance shall not apply to sales by executors, administrators, receivers, trustees acting under court order, to any sale conducted under judicial process, or to a sale of personal property valued at not more than \$1,000.00 conducted in the private residence of the owner of said personal property and to be completed in one day.

Section (12) Saving Clause and Repealer. If any section, or part of a section, or paragraph of this Ordinance is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this Ordinance. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section (13) Emergency Clause. Whereas the Ordinances now in effect are wholly insufficient to properly control acution sales and the license fees provided for are insufficient to cover the necessary cost of inspection and regulation, it is deemed to be necessary for the public peace, health and safety of the City that this Ordinance be adopted, and

an emergency is hereby declared, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council and approved by the Mayor on this 5th day of September, 1961.

James B. Blount
Mayor

ATTEST:

Van R. Rowe
City Recorder