

A BILL FOR AN ORDINANCE REGULATING)
BANKRUPT, FIRE, CLOSING OUT, AND)
SIMILARLY ENTITLED SALES, PROVIDING)
FOR LICENSING THEREOF, REPEALING ALL)
ORDINANCES AND PARTS OF ORDINANCES)
IN CONFLICT HEREWITH, AND DECLARING)
AN EMERGENCY.)

ORDINANCE BILL NO. 9
for 1961
ORDINANCE NO. 1091

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

Section 1. It shall be unlawful for any person to advertise or conduct any sale of goods, wares, or merchandise, at retail, that is represented as a "bankrupt sale, insolvent, assignees, adjusters, trustees, executors, administrators, receivers, wholesalers, jobbers, manufacturers, closing out, liquidation, removal, quitting business or fire sale", or any other sale which is by representation of advertisement intended to lead the public to believe that the person conducting such sale is selling out or closing out the goods, wares, or merchandise of any business for less than the current or going retail price thereof in the City of Lebanon without first filing with the City Recorder the inventory hereinafter provided for and obtaining from the City Recorder a license so to do, to be known as a "closing-out-sale license".

Section 2. Not less than 10 days previous to conducting any such sale as provided in Section 1 hereof, the said person or firm must make a sworn, written application to the City Recorder of the City of Lebanon, for a license so to do, specifying under oath the name and address of the applicant, and the location and purpose of the sale, and its expected duration, and itemizing in detail the goods, wares, and other articles to be sold, the wholesale market value thereof, and the name and permanent and local address of the person or firm who shall conduct the sale.

Section 3. It shall be unlawful for any person or firm to bring into the City any goods, wares, or merchandise for the purpose of selling the same at retail at any sale as designated in Section 1 hereof, and no license shall be granted to any person or firm to conduct a sale of any such goods, wares, or merchandise under any sale as set forth in

Section 1 hereof, unless such goods, wares, and merchandise have been a bona fide part of a regular stock of merchandise of a person or firm engaged in such business within the City of Lebanon.

Section 4. All sales as defined in Section 1 hereof shall be held on successive days, Sundays and legal holidays excepted, and shall not continue for more than 60 days in all from the commencement of said sale. No license shall be issued for any of said sales defined in Section 1 hereof unless it shall appear that the property proposed to be sold is or was a bona fide part of a stock in trade of a merchant in business in the City of Lebanon, and such sale to be conducted is in fact of the nature as advertised, and that said stock in trade was not secured, purchased, or brought into said place of business for or in anticipation of such sale. Any false or fraudulent statement or representation made by any applicant for the purpose of procuring a license shall be deemed to be in violation of this Ordinance. It shall be unlawful for any person during the progress of such sale to replenish his stock by substitution, "fill-ins", leaders, or goods of any character whatsoever.

Section 5. Every applicant for license as provided in Section 1 hereof shall tender with said application a good and sufficient surety company bond in the sum of not less than \$100.00 nor more than \$5,000.00, to be approved by the City Recorder, and conditional upon the observance of the provisions of this Ordinance and for the indemnification of any purchaser at any of the said sales as defined in Section 1 hereof in suffering a loss by reason of fraud or misrepresentation in the sale of any article as herein defined.

Section 6. The City Recorder shall have the power to suspend any license granted hereunder when 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 connection with a sale. The person whose license has been

suspended may appeal to the Ordinance Committee of the City Council, and shall have the opportunity to be heard before said Committee within 7 days after giving notice of said appeal to the Chairman of said Committee. If no such grounds existed for said suspension by the City Recorder, then the suspension shall be overruled and the time during which the license is valid shall be extended by the time the suspension was in effect.

Section 7. The license fees for any of the said sales as defined in Section 1 hereof shall be as follows:

For a stock of goods, wares and merchandise inventoried at \$1,000.00 or less, the license fee shall be \$ 5.00

For a stock of goods, wares and merchandise inventoried at more than \$1,000.00 and less than \$10,000.00, the license fee shall be \$10.00

For a stock of goods, wares and merchandise inventoried at more than \$10,000.00, the license fee shall be . . . \$25.00

Section 8. Any person who shall violate any of the provisions or terms of this Ordinance, or who shall conduct a sale without having complied with the requirements herein set forth, or who shall make any false statement in his application for a license, 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 9. 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 10. Whereas the Ordinances now in effect are wholly insufficient to properly control bankrupt, closing out, fire sales or similarly designated sales, it is deemed to be necessary for the public peace, health and safety of the City of Lebanon 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 19th day of Sept., 1961.

Jean R. Bales
Mayor

ATTEST:

Wm R. King
City Recorder