

A BILL FOR AN ORDINANCE REGULATING)
BANKRUPT, FIRE, CLOSING OUT, AND)
SIMILARLY ENTITLED SALES, PROVIDING)
FOR LICENSING THEREOF, REPEALING)
ORDINANCE NO. 1091, AND DECLARING)
AND EMERGENCY)

ORDINANCE BILL NO. 7
for 1968
ORDINANCE NO. 1300

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

Section 1. SALES. It shall be unlawful for any person or firm to advertise or conduct any sale of goods, wares, or merchandise, at retail, that is represented as a "bankrupt, insolvent, assignees, adjusters, trustees, executors, administrators, receivers, jobbers, wholesalers, 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 or firm 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 in the City of Lebanon without first filing with the City Recorder the application 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. APPLICATION. Not less than 10 days previous to conducting any such sale as provided in Section 1 hereof, the said person or firm must file with the City Recorder of the City of Lebanon a written application for a license so to do, setting forth under oath the following:

- (a) the name(s) and address(es) of the applicant;
- (b) the name(s) and address(es) of the legal owner(s) of the merchandise to be disposed of at such sale;
- (c) the name(s) of those in legal possession of the merchandise;
- (d) the name(s) of the person or firm who will actually conduct the sale;
- (e) the location, the type, and the purpose of the sale;

- (f) the dates of the commencement and the ending of the sale, and the expected duration thereof (not to exceed 60 business day);
- (g) the value of the goods, wares, merchandise and the other articles comprising the stock on hand at the time of the application and to be sold at the sale;
- (h) the agreement and promise of the applicant for and on behalf of the owner(s) of the merchandise and the person(s) actually conducting the sale, that the sale will commence and end on the days specified in the application, and that the applicant and all persons or firms named in the application will comply with the provisions of Section 8 of this Ordinance; and the representation by the applicant that he possesses the authority to bind all the parties, persons, or firms who may own or possess the merchandise and/or conduct said sale.

Section 3. LICENSE. Upon receipt of the application, and his findings that the facts, representations, promises and agreements therein are bona fide and true, the City Recorder with approval of the License Committee shall issue the "closing-out-sale" license to the applicant, or appropriate persons as appears from the application, for the period of time requested in said application, not to exceed 60 business days.

Section 4. BONA FIDE STOCK IN TRADE. No license shall be issued for any of said defined in Section 1 hereof unless it shall appear that the property proposed to be sold is or was a bona fide part of stock in trade of a merchant in business in the City of Lebanon and that 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. Duration of Sale. 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, and the license, if not sooner terminated or cancelled, shall expire at midnight on the 60th day as set forth in the application and the license.

Section 6. SUSPENSION OF LICENSE. 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 License or has been guilty of any unlawful or fraudulent act, practice, or course of conduct in connection with a sale. The person or firm whose license has been suspended may appeal to the License 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. The Licensee shall not conduct the business during the period of suspension, and if he does not appeal the suspension as above provided or if the suspension is sustained by the Licensee Committee upon appeal, the license shall be deemed cancelled and terminated as of the first date of the suspension.

Section 7. TRANSPER. The license granted under this Ordinance shall not be transferable.

Section 8. TERMINATION OF BUSINESS. At the expiration, termination or cancellation of the license, the business of the License shall be closed and shall not be reopened again at the same locale by the Licensee, or any of the persons or firms mentioned in the application, or their agents or representatives, until at least one year has expired from the date of the selling out or closing of the business; and all signs relating to the sale shall be removed within ten days of the date of the expiration, termination or cancellation of the license or the closing of the business.

Section 9. LICENSE FEES. 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 at 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 10. PENALTY


- (a) 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.
- (b) Each day's violation of this Ordinance shall constitute a separate offense.

Section 11. SEVERABILITY. The sections and subsections of this Ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining Sections or subsections.

Section 12. REPEAL. Ordinance No. 1091 is hereby repealed.

Section 13. EMERGENCY. The existing conditions are such that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety 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 this 20th, day of February, 1968.


Mayor

ATTEST:


Recorder