

CHAPTER 749
Going Out of Business Sales

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749.01 LICENSE REQUIRED.

No person, firm or corporation in the business of the retail sale of goods, wares or merchandise shall sell, offer for sale, announce or advertise for sale such goods, wares or merchandise when such sale is described or referred to either directly or indirectly in form or in substance as a going out of business sale, removal, loss, termination, loss or expiration of lease, closing out, liquidation, creditors, damaged goods, forced sale, distressed stock or by any other term which reasonably leads the public to believe that the owner or offerer of such goods, wares or merchandise either by choice or necessity will no longer continue to engage in business at the same location without first obtaining a license as provided in this Chapter. Nothing in this section shall be deemed to apply to any person, firm or corporation who sells, offers for sale, announces or advertises for sale goods, wares or merchandise at a reduction in price when such reduction in price is made in the normal course of business operations; nor to any person executing a process or order of a court of competent jurisdiction; nor to a creditor's sale, conducted by a licensed auctioneer, which does not exceed three (3) days' duration.

749.02 LICENSE APPLICATION.

(a) Each applicant for a license required by Chapter 749.01 shall make application to the Director of Public Safety-Service prior to the advertising or offering for sale of any goods, wares or merchandise. Each application shall be on forms provided by the Director of Public Safety-Service which shall include in addition to the name and address of applicant, the name and address of the firm or corporation on whose behalf such sale will be conducted if such is other than the applicant, the date when such sale will commence, the complete inventory including the quality, kind, character and wholesale market value of the goods, wares and merchandise to be offered for sale. Such information shall be prepared in the following manner:

- (1) A listing of all goods, wares or merchandise which has been in stock fifteen (15) days or longer prior to the date of such application;
- (2) A list of all goods, wares or merchandise received in stock within the fifteen (15) days immediately prior to the date of such application;

- (3) A list of all goods, wares or merchandise which has been or will be ordered and placed in stock during the pendency of such sale;
- (4) Such other information relative to the business as may be deemed necessary by the Director of Public Safety-Service .

(b) If the inventory itemized in the original application is not disposed of within the required time, the Director of Public Safety-Service may, as hereinafter provided, renew such license.

749.03 LICENSE FEE.

Each application for a license or license renewal for any thirty (30) day period or part thereof shall be accompanied by a fee in the amount of fifteen dollars (\$15.00).

749.04 LICENSE ISSUANCE LIMITATION; RENEWAL

No sale referred to in Section 749.01 shall be licensed or permitted for a period of more than thirty (30) days. The thirty (30) days shall be consecutive except for days when the store is normally closed. If the licensee does not sell the merchandise listed in the application for a license, he may make application for extension of such license to the Director of Public Safety-Service. If upon investigation, the Director of Public Safety-Service is satisfied as to the truth of statements contained in the application for renewal, he may issue a renewal license for a period not to exceed thirty (30) days. A maximum of two (2) such renewals may be granted.

No license shall be issued to any person, firm or corporation to conduct a sale at the same location where such applicant has terminated a prior sale licensed hereunder within a period of eighteen (18) months subsequent to the termination of such prior sale; nor shall a license be issued to a purchaser of stock at a sale licensed hereunder for a period of eighteen (18) months subsequent to such purchase if the purchaser continues to conduct business under the same firm name as that used by the seller of stock.

749.05 INVENTORY LIMITATION

No additions whatsoever shall be made to the stock of goods, wares or merchandise set forth in the inventory attached to the application for the required license and nothing shall be offered for sale or sold at any such sale which is in addition to the stock of goods, wares or merchandise described in the inventory.

749.06 LICENSE REVOCATION OR SUSPENSION

The Director of Public Safety-Service, upon his own initiative, may at any time revoke or suspend a license for any violation of this Chapter or any law or ordinance relating to the conduct of such business.

749.07 APPEALS

In case of the refusal to issue a license or renewal or the revocation or suspension of license by the Director of Public Safety-Service, the applicant or licensee may appeal from such order to the Board of Zoning and Building Appeals. Notice of such appeal shall be in writing and shall be filed with the Director of Community Development within ten (10) days after the making of such order.

749.99 PENALTY

Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor for the first offense. Whoever violates any provision of this Chapter shall be guilty of a fourth degree misdemeanor for the second offense or subsequent offenses.

(Ord. No. 34-91. Passed 4-7-91).