

Repealed By

1073

Date:

ORDINANCE NO. 678

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, REGULATING AUCTIONS SALES OF DISTRESSED GOODS, REMOVAL OR CLOSING OUT SALES, PROVIDING THAT AN INVENTORY BE FILED IN THE EVENT OF SUCH SALE, REQUIRING A LICENSE FOR SUCH SALE AND ESTABLISHING FEES FOR SUCH LICENSES AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

THE CITY COUNCIL OF THE CITY OF KIRKLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. It shall be unlawful for any person to advertise or conduct any auction, sales of distressed goods, removal or closing out sale without first filing with the City Clerk the inventory hereinafter provided for and obtaining from him a license for such sale or auction, to be known as a "Closing Out Sale License".

Section 2. Distressed goods, wares or merchandise as used in this Ordinance, shall include all goods, wares and merchandise advertised as an insurance, bankruptcy, mortgage, insolvent, assignees, executors, administrators, receivers, or trustee's sale of goods, wares and merchandise, or a sale of goods, wares and merchandise advertised as damaged by fire, smoke, water or otherwise, or a sale of goods, wares and merchandise advertised as obtained by, through, as the result of, or by reason of any of the above-named situations or contingencies. Removal sale, as used in this ordinance, shall mean a sale, advertised, represented, or held out as such, arising from a future actual, or contemplated moving of a business from its present location to a new location. Whether the new location is in the City of Kirkland or elsewhere. Closing out sale, as used in this ordinance, shall mean a sale advertised, represented or held out as such, arising from a future, actual or contemplated cessation of business, providing, however, that the closing out of a line or type of merchandise not resulting in a cessation of the entire business, shall not be deemed a closing out sale.

Section 3. The inventory required for securing the license herein provided for, shall contain a complete and accurate list of the stock of goods, wares and merchandise to be sold at any sale for which a license is hereby required, together with the wholesale price thereof; which

inventory or list shall be signed by the person seeking the license, or by a resident agent thereunto authorized, and by affidavit at the foot thereof, the applicant or his agent shall swear or affirm that the information therein given is full and true and known by him to be so. It shall be unlawful to sell, offer or expose for sale at any such sale, or to list on such inventory any goods, wares or merchandise which are not the regular stock of the store or other place, the business of which is to be closed out by such sale, or to make any replenishments or additions to such stock for the purposes of such sale or during the time thereof, or to fail, neglect or refuse to keep accurate records of the articles or things sold, from which records the City Clerk may ascertain the number or the kind and quantity sold. Co-mingling of additional merchandise with that inventory, shall cause the merchandise inventory to lose its identity as distressed goods, and any license issued shall cease to apply to the sale of such goods. If the inventoried stock shall be offered for sale on the same premises with other stock by the same person, firm or corporation, the same shall be deemed to be co-mingled.

Section 4. All licenses issued for the sale of goods, wares or merchandise at auction, by sale of distressed goods, or removal or closing out sale, shall be valid for a period of not exceeding 30 days unless renewed as hereinafter provided. The fee for such license shall be, and the same hereby is fixed as follows: the sum of \$25.00 plus \$2.00 for each \$1,000 or fraction thereof of value of inventory submitted pursuant to this ordinance. Upon expiration of the 30 day period, the City Clerk may extend such license on a daily basis upon the payment of an additional license fee of \$25.00 per day, which license shall continue in effect only so long as this said daily license fee is paid and the licensee shall comply with the provisions of this ordinance. Auction sales shall be subject to an additional license fee of \$25.00 per day and shall be limited to a period of not exceeding 30 days.

Section 5. All premises used for such licensed sales, shall be at all times open to inspection by any employee of the city required to enforce this ordinance, or by any expert or accountant designated by the Chief of Police in order to ascertain whether any infraction of any provision of this ordinance has taken place, or is taking place therein.

Section 6. This ordinance shall not apply to public or court officers, or to any person acting under the direction of State or Federal Court in the course of their official duties.

Section 7. The licensing provisions of this ordinance shall not apply to any Bonafide clearance sale by local merchants having suffered damage from fire or water, or by any bonafide local merchant actually engaged in a cessation or termination of his business. Such local merchants, as by this paragraph are excluded from the licensing provision, shall, however, file the inventory as required by this ordinance.

Section 8. Any person, firm or corporation violating any of the provisions hereof, shall, upon conviction, be fined in any sum not exceeding \$300.00, or imprisoned in the city jail for a term not exceeding 30 days, or both such fine and imprisonment.

Section 9. This ordinance shall be in force 5 days from and after its passage by the council, approval by the mayor, and publication according to the law.

Introduced the 1st day of August, 1955.

Passed and approved the 17th day of October, 1955.

Alfred E. Leland
Mayor

Attest:

Loren L. Fitch
City Clerk

Approved as to Form:

Charles W. Johnson
City Attorney

I hereby certify that the foregoing is a true and correct copy of an Ordinance of the City of Kirkland and that the same was published or posted according to law, said Ordinance being No. b.78 and entitled "an Ordinance as above."

Loren L. Fitch, City Clerk