

ORDINANCE NO.

1073

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, PROVIDING FOR THE LICENSING AND REGULATION OF AUCTIONS AND AUCTIONEERS, PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND SUPPLEMENTING ORDINANCE NO. 678.

The City Council of the City of Kirkland, Washington, do ordain as follows:

Section 1. No personal property including, but not by way of limitation, goods, wares or merchandise shall be sold at auction in the City of Kirkland, except in compliance with the provisions of this ordinance. It shall be unlawful to sell or cause or permit to be sold at auction, any personal property in the City of Kirkland, unless such sale is conducted by an individual who has applied for, and obtained an auctioneer's license from the City of Kirkland.

Section 2. The issuance and revocation of auctioneer's licenses shall be governed by Sections 3, 4, and 8 of Ordinance No. 1057, of the City of Kirkland. The annual license fee for an auctioneer's license shall be \$ 100.00. The fee for a license issued for a period of less than one year shall be at the rate of \$ 25.00 per day.

Section 3. Every applicant for an auctioneer's license shall file with the City a surety bond running to the City of Kirkland in the amount of \$ 1000.00, with surety acceptable to, and approved by the City, conditioned that said applicant, if issued an auctioneer's license, will comply fully with all the provisions of the ordinances of the City of Kirkland and the statutes of the State of Washington regulating and concerning auctions and auctioneers; will render true and strict accounts of all his sales to any person or persons employing him to make the same; will not practice any fraud or deceit upon bidders or purchasers of property from him at any auction sale, or suffer or permit any person in his employ to practice any such fraud or deceit, and will pay all damages which may be sustained by any person, by reason of any fraud, deceit, negligence, or other wrongful act upon the part of the licensee, his agent or employees in the conduct of any auction, or in the exercise of the calling of auctioneer. A liability insurance policy issued by an insurance company authorized to do business in the State of Wash-

ington which conforms to the above requirements, may be permitted by the City Council in its discretion in lieu of a bond.

Section 4. No auction sale of personal property shall be conducted at any place other than the premises designated by the licensee in his application as his place of business, except upon the issuance of a special permit. Application for such special permit shall state the nature and the quantity of goods to be sold and the number of days during which it is desired to conduct such sale. Such permit may be refused or revoked by The City Manager if he determines that there is good and sufficient reason for such refusal or revocation. Any individual aggrieved by the action of The City Manager in refusing to issue or renew or in revoking any such special permit, shall have the right of appeal to the City Council in the manner prescribed in Section 8 of Ordinance No. 1057. No special permit shall issue to any individual except one to whom an auctioneer's license has theretofore been issued under the provisions of this ordinance.

Section 5. The provisions of this ordinance shall not be applicable to auction sales conducted by trustees or referees in bankruptcy, executors, administrators, receivers or other public officials acting under judicial process, nor to the sale of real property at auction, nor to sales conducted for charitable purposes.

Section 6. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500.00, or by imprisonment not to exceed 180 days, or by both such fine and imprisonment.

Section 7. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 8. To the extent that the provisions of Ordinance No. 678 of the City of Kirkland, may be inconsistent with the provisions of this ordinance, said Ordinance No. 678 is hereby declared to be superseded and supplemented.

This ordinance shall be in force and effect five (5) days after its passage by the Council and publication as required by law.

PASSED by the City Council at regular meeting on the 20th day of February, 1967.

SIGNED in authentication thereof on the 20th day of February, 1967.

James G. Vant
Mayor

Attest:

Allen Lucas
Director of Administration and Finance
(ex officio City Clerk)

Approved as to form:

Raymond E. Thom
City Attorney

BBC169