

ORDINANCE NO. 105**AN ORDINANCE REGULATING BANKRUPT SALES, LIQUIDATING AND CLOSING-OUT SALES WITHIN THE CITY OF COOS BAY; PROVIDING A PENALTY FOR VIOLATION THEREOF; REPEALING ORDINANCE NO. 2263; AND DECLARING AN EMERGENCY.**

The City of Coos Bay does ordain as follows:

Section 1. License Required. Except for sales under judicial process, it is unlawful for any person, partnership, partner or association to conduct bankrupt sales, liquidating, closing-out, removal, quitting business or fire sales, or similarly designated sales, whether the property for sale is their property or whether they shall sell or offer for sale as agents, factors or employees of others, unless the person, firm, corporation or association desiring to hold such sales first obtains a license for the sale from the city of Coos Bay. This section applies to both owners of the property for sale and to their agents and employees.

Section 2. License Application.

- (1) Any person, partnership, corporation or association desiring to hold a bankrupt sale or closing-out sale, as defined in this ordinance, shall file with the City Recorder a written application showing:
 - (a) The name or names of the legal owners of the merchandise to be disposed of at the sale;
 - (b) The name or names of those who will actually dispose of the merchandise at the sale;
 - (c) A receipt or other reasonable evidence from officials of Coos County showing that any taxes due of the merchandise, if taxed or taxable, have been paid.
- (2) A statement of the street and number where the sale is to be conducted and of the present, immediate past and future address, if any, of the applicant must be filed with the City Recorder.
- (3) In addition to the general application form to be filed, the applicant shall file a statement in writing showing all of the facts regarding the sale, the reasons for the sale, and all details necessary to fully identify the goods to be sold. The applicant shall specify the period of time during which the sale will continue, not to exceed a period of six months, except as provided in this ordinance,
- (4) The kind or type of merchandise mentioned in the application shall be defined as "all articles usually or customarily sold by the retail merchant to the public in the ordinary course of trade."

Section 3. Duration of Sales. All sales, as defined in this ordinance, shall be held on successive days, Sundays and legal holidays excepted, and shall not continue for more than six months in all from the commencement of the sale. Extension may be granted if need is shown.

Section 4. Issuance of License. No license shall be issued for a sale as defined in this ordinance unless the applicant appears to be acting in good faith and disposing of stock for the purpose of any of the following: (a) retiring from business; (b) removing inventoried stock to a new location; (c) the

applicant has suffered a fire loss of a substantial amount within 30 days prior to the date of the sale; (d) the applicant is in a voluntary bankrupt condition; or any similarly designated sales.

Section 5. Revocation of License. The city of Coos Bay may revoke the license of any person, partnership, corporation, or association found guilty of violating this ordinance, and no new license shall be issued to that person within one year.

Section 6. Suspension of License. Any person who utters any false statement in making application for a license to conduct a sale or who fails to comply with agreements or pledges made in the application shall immediately be deprived of the sale license, and no further license shall be issued to the person for one year.

Section 7. Repeal. Ordinance No, 2263, passed August 8, 1966, as amended by Ordinance No. 2914, passed December 12, 1983, is repealed.

Section 8. Severability. The City Council hereby declares that should any section, paragraph, sentence or word of this ordinance be declared for any reason to be void or unconstitutional the remainder shall continue in full force and effect.

Section 9. Penalties. Violation of, or failure to comply with, any provision of this ordinance is punishable upon conviction by a fine not to exceed \$500.

Passed by the Council and approved by the Mayor July 13, 1987.