

## Chapter 92

### AUCTIONS

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§ 92-8. Penalties for offenses.

[**HISTORY:** Adopted by the Board of Trustees of the Village of St. Johnsville 12-15-1955. Amendments noted where applicable.]

#### GENERAL REFERENCES

Garage sales — See Ch. 155.

Peddling and soliciting — See Ch. 177.

#### § 92-1. License required.

No personal property shall be sold at auction in the Village of St. Johnsville, New York, except in compliance with the provisions of this chapter. It shall be unlawful to sell, or cause or permit to be sold at auction any personal property in the said Village, unless such sale is conducted by an individual, firm or corporation, who has applied for and obtained an auctioneer's license from the Village Clerk, except as hereinafter set forth.

#### § 92-2. Issuance of license.

- A. The Village Clerk is hereby authorized to grant an auctioneer's license for any period of time not exceeding seven business days, which application shall be filed with the Village Clerk not later than 30 days prior to the proposed sale by auction, together with the fees and bond as required by this chapter.
- B. Upon application for such license the following information in writing shall be given:
- (1) Name of applicant.
  - (2) Residence and business address of applicant.
  - (3) Length of time for which license is desired.
  - (4) Full and complete statement by applicant as to any previous auctions or auctioneer's license.
  - (5) Statement by applicant as to any convictions of any crime, misdemeanor or violation of any law.

- (6) Sworn statement or inventory of the stock on hand and the stock to be offered at auction and, as far as may be possible, the quality, kind or grade of each item, the wholesale market value thereof and the name of the owner of the merchandise for at least one year prior to the date of the proposed auction.
  - (7) Such other and further information as may be required by the Village Clerk.
- C. The Village Clerk may refuse to issue such license if he determines:
- (1) That the applicant is not of good moral character and business responsibility; or
  - (2) That the application contains any false, fraudulent or misleading material statement; or
  - (3) That the applicant has violated any laws relating to auctions or auctioneers; or
  - (4) That the applicant has been convicted of any crime or misdemeanor involving moral turpitude.
- D. Such determination by the Village Clerk shall, upon request of the applicant, be renewed by the Mayor and Board of Trustees of said Village, within 10 days after such request, and their finding shall constitute the final determination of the Village in respect thereto.

### § 92-3. License fees. <sup>1</sup>

The license fee shall be the sum of \$50 for seven consecutive business days and the sum of \$10 for each day less than seven days.

### § 92-4. Bond. <sup>2</sup>

Every applicant hereunder shall file with the Village Clerk a surety bond running to the Village of St. Johnsville in the amount of \$2,000, conditioned that the said applicant, if issued an auctioneer's license, will comply with all laws regulating auctions and auctioneers and will pay all damages which may be sustained by any person by reason of any fraud, deceit, negligence or other wrongful act, on the part of the licensee, his agent or employees.

### § 92-5. Limitations on inventory. <sup>3</sup>

During any such sale by auction no additions whatsoever shall be made to the stock of merchandise set forth in the inventory attached to the application. The inventory offered for sale at auction shall not exceed 10% of the average inventory carried by applicant over the preceding one year.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

**§ 92-6. Exemptions for judicial or statutory auctions and real property auctions.**

The provisions of this chapter shall not be applicable to auction sales conducted by trustees or referees in bankruptcy, executors, administrators, receivers or other public officers or individuals acting under judicial or statutory process, nor to the sale of real property at auction.

**§ 92-7. Exemptions for religious and nonprofit associations and going-out-of-business sales. <sup>4</sup>**

This chapter shall not apply to sales by religious, charitable, educational, musical and local trade or service organizations or associations; nor shall it apply to any sale conducted for the sole purpose of fully dissolving and liquidating a going business heretofore operated and conducted within the Village of St. Johnsville.

**§ 92-8. Penalties for offenses. <sup>5</sup>**

Any person violating any of the provisions of this chapter shall for each such violation be punishable by a fine not exceeding \$250, or by imprisonment for not exceeding 15 days, or by both such fine and imprisonment.

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4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

