

Chapter 5.16**CLOSE-OUT SALES****Sections:**

- 5.16.010 License required.**
- 5.16.020 Inventory.**
- 5.16.030 Additions to stock.**
- 5.16.040 Statements and records.**
- 5.16.050 Enforcement.**
- 5.16.060 Close-out sale license fee.**
- 5.16.070 Revocation of license and appeal procedure.**

Section 5.16.010 License required.

It shall be unlawful for any person to advertise or conduct any sale of goods, wares or merchandise that is by representation or advertisement intended to lead the public to believe that upon disposal of the goods to be placed on sale, the business being conducted in any location will cease without first filing with the Finance Department the inventory provided in Section 5.16.020 and obtaining a license to be known as a Close-Out Sale License. (Ord. 5838 § 1, 1990; prior code § 21.49-1 (part))

Section 5.16.020 Inventory.

The inventory 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 list shall be signed by the person seeking the license or by an authorized agent. By affidavit at the foot thereof, such person or such agent shall swear or affirm that the information therein given is full and true and known by such person or agent to be so. (Ord. 5838 § 1, 1990; prior code § 21.49-1 (part))

Section 5.16.030 Additions to stock.

It is unlawful for any person 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, to make any replenishments or additions to such stock, other than goods, wares or merchandise back-ordered prior to start of sale, for the duration of the sale. (Ord. 5838 § 1, 1990; prior code § 21.49-1 (part))

Section 5.16.040 Statements and records.

All persons subject to the provisions of this chapter shall keep complete records of business transactions, including sales, receipts, purchases and other expenditures, and shall retain all such records for examination by the Finance Department. Such records shall be maintained for a period of at least three years. No person required to keep records under this section shall refuse to allow authorized representatives of the Finance Department to examine said records at reasonable times and places. (Ord. 5838 § 1, 1990)

Section 5.16.050 Enforcement.

It shall be the duty of authorized representatives of the Finance Department to enforce each and all of the provisions of this chapter, and the Chief of Police shall render such

assistance in the enforcement hereof as may from time to time be required.

Authorized representatives of the Finance Department and any police officer shall have the power and authority to enter, at any reasonable time, any place of business required to be licensed herein.

Authorized representatives of the Finance Department and any police officer are authorized to issue a written notice to appear upon persons whom they have a reasonable cause to believe have violated any provisions of this section. (Ord. 5838 § 1, 1990)

Section 5.16.060 Close-out sale license fee.

The fee for such license shall be as established by resolution of the City Council. No license issued in accordance with this section, including extensions, shall exceed one hundred twenty days. A valid business tax certificate must be issued to the business closing out before a license may be issued.

After completion of the close out sale, no business of same or similar nature may be conducted by person or persons owning the business having such sale for a period of twelve months.

The provisions of this chapter do not apply to foreclosures, bankruptcy or other similar sales conducted under the direction of or pursuant to the order of court or a governmental agency. (Ord. 6564 § 2, 2001; Ord. 5838 § 1, 1990)

Section 5.16.070 Revocation of license and appeal procedure.

Upon a showing that the licensee has violated or failed or refused to abide by the provisions of this chapter, the Finance Director may order the license revoked. Such revocation shall make it unlawful to continue such close-out sale. Such revocation shall be after a proper hearing before the Finance Director or designated representative of the Finance Director.

Any person aggrieved by any decision of the Finance Director or of any other officer of the City made pursuant to the provisions of this chapter may appeal therefrom to the City Council within fifteen days after notice thereof by filing with the City Clerk a written notice of appeal, briefly stating in such notice the grounds relied upon for appeal. If such appeal is made within the time prescribed, the City Clerk shall cause the matter to be set for hearing before the Council within thirty days from the date of receipt of such notice of appeal, giving the appellant not less than ten days' notice in writing of the time and place of hearing. The findings and determination of the Council at such hearing shall be final and conclusive, and within three days after such findings and determination are made, the City Clerk shall give notice thereof to the appellant.

In the event no appeal is taken by the permittee, the decision of the Finance Director shall become final and conclusive on expiration of the time fixed in this section for appeal. (Ord. 5838 § 1, 1990; prior code § 21.29-1 (part))