

## Chapter 5.52

### CLOSING OUT SALES

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#### **5.52.010** Permit--Fee--Inventory required.

No person shall conduct, manage or carry on any closing out sale without paying the license fee set forth in Section 5.04.370 and without first filing with the city finance director the inventory hereinafter provided for and obtaining a permit so to do, to be known as a closing out sale permit. (Prior code § 3-100)

#### **5.52.020** Time lapse between sales--Sale duration.

A period of twelve months must elapse after the completion of any sale referred to in this chapter before the person holding such sale can again apply for a permit to hold another such sale and no permit shall be issued for more than ninety days. (Prior code § 3-101)

#### **5.52.030** Contents of inventory.

The inventory required in this chapter shall contain a complete and accurate list of the stock of goods, wares and merchandise to be sold at any sale for which a permit is hereby required, together with the wholesale price thereof. Said inventory or list shall be signed by the person seeking the permit, or by a resident agent thereunto authorized, and by affidavit at the foot thereof, such agent shall swear or affirm that the information therein given is full and true and known by him or her or such agent to be so. (Prior code § 3-102)

#### **5.52.040** Prohibited sales--Replenishing inventory--Records required.

It shall be unlawful to sell, offer or expose for sale at any closing out 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 purpose 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 may ascertain the kind and quantity or number sold. (Prior code § 3-103)

#### **5.52.050** Verification of inventory--Investigation of sale.

The finance director may verify the details of an inventory filed for the purpose of obtaining a closing out sale permit, or he/she may make a check and verify the items of merchandise sold during the sale, and it shall be unlawful for any person to whom a closing out sale permit has been issued to fail or refuse to give all the facts connected with the stock on hand or the proper information of goods sold, or any other information that may be required in order to make a thorough investigation of all phases connected with the sale. (Prior code § 3-104)

#### **5.52.060** Court sales exempted.

This chapter shall not apply to any person acting under the direction of the state or federal courts in the course of his/her other official duties. (Prior code § 3-105)

**5.52.070 Claims for exceptions.**

Any person claiming to be excepted from the provisions of this chapter shall file an application for exception with the city not less than thirty days prior to the date of the proposed closing out sale. The city shall investigate the application and may require the applicant to furnish any information necessary to make a determination. In the event the city refuses to grant an exception, the applicant may appeal this decision to the council. A written application for a hearing by the council shall be filed not less than ten days from the date of the decision of the city. The council shall hold a public hearing on the appeal within thirty days of the application for a hearing. The decision of the council shall be final. (Prior code § 3-106)

**5.52.080 Duration of excepted sales.**

No exception from the provisions of this chapter shall be granted for a closing out sale to last more than one week. (Prior code § 3-107)

**5.52.090 Sales under Corporations Code not to be excepted.**

No exception from the provisions of this chapter shall be granted for a sale to be conducted pursuant to the provisions of Section 1001 of the State Corporations Code. (Prior code § 3-108)

**5.52.100 Responsibility for payment of license fee.**

A license fee deposit may be required at the time of the issuance of the closing out sale permit if it is determined to be in the city's best interest to require such payment. (Prior code § 3-109)