

CITY OF VINELAND

ORDINANCE NO. 2017- 56

ORDINANCE AMENDING CHAPTER 230 OF THE CODE OF THE CITY OF VINELAND ENTITLED AUCTIONS AND AUCTIONEERS

WHEREAS, on December 16, 1952, City Council of the City of Vineland adopted Ordinance 47, setting forth the requirements for the persons requesting an auctioneer license in the City of Vineland as well as the rules and regulations for public and private auctions, so as to protect the public health, safety and welfare; and

WHEREAS, City Council recognizes the requirements set forth in Ordinance 47, dating to 1952, need to be amended so as to meet today's standards and requirements; and

WHEREAS, City Council finds it to be in the best interest of the City to amend Chapter 230 of the Code of the City of Vineland.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Chapter 230 of the Code of the City of Vineland entitled Auctions and Auctioneers be amended as follows:

Section 230-3B shall be deleted in its entirety.

Section 230-5 Bond shall be deleted in its entirety and replaced as follows:

Section 230-5 Bond

The Director of Licenses and Inspections shall, as a condition precedent to the granting of the license to engage in the auction business in the City of Vineland, require the applicant to provide a bond of a surety company authorized to do business under the laws of the State of New Jersey, in a form approved by the City Solicitor to be in the sum of \$5,000.00. Such bond shall be for the benefit of any person who shall have recovered a judgment against anyone responsible under and by virtue of this Chapter, by reason of any damage sustained by such person as a result of having purchased any article or commodity at a public auction conducted or operated by the licensee, due to fraud or deceit practiced in effecting such purchase to such person; and such bond to be for the protection of persons and property, and for the preservation of the safety and property of the City.

Section 230-6 Character of Applicant shall be deleted in its entirety and replaced as follows:

Section 230-6 Denial, Suspension or Revocation of License; Appeals.

A. Any applicant for a license may be denied by the Director Of Licenses and Inspections, or any license issued may be suspended or revoked by the Mayor for the following causes:

1. The applicant or licensee has filed an application containing false information.
2. The applicant or licensee has failed to comply with these regulations.
3. The applicant or licensee has been convicted of an offense under these regulations.
4. The applicant or licensee has violated the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq.
5. The applicant or licensee has been convicted of a criminal offense involving moral turpitude in the State of New Jersey, or any other state.

B. The applicant or licensee may appeal the decision of any City Official by filing a written request for a hearing before the City Council with the city clerk within ten days of receiving the notice of denial, suspension or revocation of the license. The hearing shall be held within twenty days after the request is filed with the city clerk.

Section 230-8 shall be deleted in its entirety and replaced as follows:

Section 230-8 License Fees.

The fee for a license in accordance with this Ordinance shall be \$100.00 per day or any portion thereof during which an auction is taking place, including any pre-

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auction viewing of goods being sold. The fees shall be payable upon the presentation of the application and shall be returned in the event that such license is not granted.

Section 230-9 shall be deleted in its entirety.

Section 230-11 shall be deleted in its entirety and replaced as follows:

Section 230-11 Display of Auctioneers Name During Sale.

Each auctioneer shall, during the sale or any pre auction viewing of goods being sold, cause his or her name to be conspicuously displayed on a sign at the place where he or she is conducting an auction sale.

Section 230-15 I shall be deleted in its entirety and replaced as follows:

Section 230-15 I. A description of the property to be sold and the quantity thereof.

Section 230-16 Applicability shall be deleted in its entirety and replaced as follows:

Section 230-16 Applicability

Nothing herein contained shall apply to the sale of real property at auction nor to sales conducted by trustees in bankruptcy, executors, administrators, receivers or other public officers acting under the judicial process, or the sale of farm produce conducted by Farmers Cooperative Associations.

Section 230-18 Hours of Operation shall be deleted in its entirety and replaced as follows:

Section 230-18 Hours of Operation

It shall be unlawful to hold any public auction sale between the hours of 12 o'clock midnight and 6:00 AM.

Section 230-23 Attracting Attention to Sale shall be deleted in its entirety.

BE IT FURTHER ORDAINED that any Ordinance or portions thereof that are inconsistent herewith shall be deleted and void to the extent of such inconsistencies and the terms of this Ordinance shall supersede the same.

This Ordinance shall take effect upon adoption and publication according to Law.

Passed First Reading:

Passed Final Reading:

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President of Council

ATTEST:

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City Clerk