

City of Mount Vernon, New York
GOING OUT OF BUSINESS/SPECIAL SALE LICENSE
Application Instructions

Fees: \$25.00 – 30 days
\$25.00 – for each additional 30 day period

Application Instructions:

1. **Both** application and inventory list must be filled out in **duplicate**. Applications must be legible. Please type or if filling out by hand, please print.
2. If the business is a partnership/corporation, please fill out the partnership/officer information where indicated.
3. Both copies of the application must be signed before a Notary Public or Commissioner of Deeds. They may be notarized for free at the Office of the City Clerk. The person must sign the application in front of the notary and show current picture identification.
4. Attach copies of any and all advertisements, posters, etc. that will be used in advertising the sale. Please see §215-12 of the attached code for advertising requirements.
5. Fees must be filed with application. Money orders should be made payable to the City of Mount Vernon. Completed, notarized applications can be mailed to Office of the City Clerk, Room 104, City Hall, 1 Roosevelt Square, Mount Vernon, NY 10550.
6. During the period of the sale, the inventory list must be updated to show which items were disposed of that business day.

License period can not exceed 30 days but can be renewed a maximum of three times at the discretion of the City Clerk.



CITY OF MOUNT VERNON, NEW YORK
Application for License to Conduct a Special/Going Out of Business Sale
Pursuant to Chapter 215 of the City Code

I, the undersigned, hereby swear to the truth of the following statements:

1. Name of Applicant: _____ Phone # _____
(If partnership or corporation, give firm or corporate name)

2. Assumed Trade Name (if any): _____

3. Residence: _____
(If an individual, if partnership or corporation use space in item #6)

4. Place of Sale: _____
(Number, street, city, state and zip)

5. Citizenship: US Citizen Naturalized Not a Citizen

6. If applicant is a partnership or corporation, give the following information for partners/officers (attach addition sheets of paper if necessary):

<u>Name</u>	<u>Residence</u>	<u>Title</u>	<u>Citizenship</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

7. Describe the premises where it is intended to conduct the sale:

8. State nature of the occupancy (ex. Lease or sublease, beginning and termination of lease): _____

9. Specify any and all mediums of advertising to be used (ex. Newspapers, magazines, posters, etc.): _____

10. State what type of sale is being conducted: _____

11. What type of goods are being sold? _____

On the attached inventory form please list the items to be sold.

12. Has a license ever been applied for or granted for the premises for which this application is made? No Yes, if yes give dates _____

13. Has a special sale license issued to the applicant for the same premises ever been suspended or revoked? No Yes, if yes give dates and explanation: _____

14. Has the applicant ever been brought up on charges before any court, or any city, state or federal agency for false or misleading representation with respect to any other sale or offer for sale? (This question applies to every member of the partnership/officer of the corporation. Attach additional sheets if necessary) _____



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_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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(To be filed in duplicate.)

Sheet No: _____

INVENTORY of goods to be sold at a _____

Proposed to be held by _____
(Applicant or Business Name)

at _____
(Business Address)

from _____ to _____ (period not to exceed 30 days)
(sale start date) (sale end date)

Type of Good	Date Acquired	Where Acquired (Name & Address)	Quantity	Unit Cost	Date Disposed

Examples: Type of Good: Clothing, Jewelry, Electronic, etc.
Where Acquired: Supplier, manufacturer, or person goods were acquired.

(To be filed in duplicate.)

Sheet №: _____

INVENTORY of goods to be sold at a _____

Proposed to be held by _____
(Applicant or Business Name)

at _____
(Business Address)

from _____ (sale start date) to _____ (sale end date)
(period not to exceed 30 days)

Type of Good	Date Acquired	Where Acquired (Name & Address)	Quantity	Unit Cost	Date Disposed

Examples: Type of Good: Clothing, Jewelry, Electronic, etc.
Where Acquired: Supplier, manufacturer, or person goods were acquired.

ARTICLE I GOING-OUT-OF-BUSINESS SALES (§ 215-1 — § 215-16)

[Adopted 11-13-57 as Ch. 35 of the General Ordinances of the City of Mount Vernon, approved 11-15-57]

§ 215-1 Definitions.

Whenever used in this Article, the following terms shall have the meanings indicated:

PUBLISH, PUBLISHING, ADVERTISEMENT, ADVERTISING

Any and all means of conveying to the public notice of sale or notice of intention to conduct a sale, whether by word of mouth, by newspaper advertisement, by magazine advertisement, by handbill, by written notice, by printed notice, by printed display, by billboard display, by poster, by radio announcement, by television and any and all means, including oral, written or printed.

SALE

The sale of or an offer to sell to the public goods, wares and merchandise of any kind and all kinds and descriptions on hand and in stock in connection with a declared purpose as set forth by advertising on the part of the seller that such sale is anticipatory to the termination, closing, liquidation, windup, discontinuance, conclusion or abandonment of the business in connection with such sale. It shall also include any sale advertised to be a "fire sale," "creditors' sale," "trustees' sale," "liquidation sale," "executor's sale," "insolvent sale," "insurance salvage sale," "assignees' sale," "receiver's sale," "wholesaler's closeout sale," "creditors' committee sale," "forced-out-of-business sale" and, in addition thereto, any and all sales advertised in such manner as reasonably to convey to the public that upon the disposal of the stock of goods on hand, the business will cease and be discontinued.

§ 215-2 Regulation.

The City Clerk is authorized to supervise and regulate sales as defined in § 215-1.

§ 215-3 License required.

It shall be unlawful for any person to publish or conduct any sale of the type herein defined without a license therefor.

§ 215-4 License application.

A.

All applications for such license shall be in writing and shall be verified under oath by the applicant.

B.

Such application shall contain:

(1)

A description of the place where such sale is to be held.

(2)

The nature of the occupancy, whether by lease or sublease, and the effective date of termination of such occupancy.

(3)

The means to be employed when publishing such sale, together with the proposed content of every advertisement.

(4)

An itemized list of the goods, wares and merchandise to be offered for sale.

(5)

The place where such stock was purchased or acquired and, if not purchased, the manner of such acquisition.

(6)

Any additional information the City Clerk may require.

§ 215-5 Stock.

During any such going-out-of-business sale, no additions whatsoever shall be made to the stock of merchandise set forth in the itemized list of goods, wares and merchandise contained in the application for a license, and nothing shall be offered for sale or sold at any such sale which is an addition to the stock of merchandise described in said application. Goods, wares or merchandise not listed in the original application and in the possession of or kept, held or received by the licensee shall, prima facie, be deemed additions to the stock.

§ 215-6 Term of license.

Upon the filing of such application with the City Clerk and after investigation thereof, he may issue such license, in his discretion, for a period not exceeding 30 days.

§ 215-7 License renewal.

A.

Upon satisfactory proof by the licensee that the stock itemized in the original application has not been disposed of and that no goods, wares and merchandise have been added to the said stock, the City Clerk may renew such license for an additional thirty-day period.

B.

Such proof shall be furnished on a form supplied by the City Clerk. It shall contain an itemized list of stock on hand and shall be verified under oath.

C.

The City Clerk shall cause the same to be examined and investigated, and if satisfied as to the truth of the statements therein contained, the City Clerk may issue a renewal license for a period not exceeding 30 days; provided, however, that a maximum of three such renewals may be granted for any such sale.

[Amended 3-1-67, approved 3-2-67]

§ 215-8 Rules and regulations.

The City Clerk may make such rules and regulations for the conduct and advertisement of such sales as in his opinion will serve to prevent deception and to protect the public.

§ 215-9 Fees.

Upon filing an application for an original or renewal license to advertise and conduct such sale, the applicant shall pay to the City Clerk a fee of \$25. If any such application be disapproved, such payment shall be forfeited to the City Clerk to defray the cost of investigating the statements contained in such application.

§ 215-10 Display.

Upon commencement of any such sale, the license therefor shall be conspicuously displayed near the entrance to the premises.

§ 215-11 Stock records.

A.

A duplicate original of the application and stock list pursuant to which such license was granted shall be available at all times to the City Clerk or to his authorized inspectors, and the licensee shall permit such inspectors to examine all merchandise on the premises for comparison with such stock list.

B.

At the close of business each day, the stock list attached to such application shall be revised and items on such list disposed of during such day shall be noted thereon.

C.

Suitable books and records as prescribed by the City Clerk shall be kept by the licensee and shall be available at all times to the City Clerk or his inspectors.

§ 215-12 Advertising.

A.

All advertising shall be descriptive of the nature of such sale as stated in the application therefor. The language in such advertising shall be identical with the advertising content as indicated in the applications.

B.

It shall be unlawful to indicate in such advertising, either directly or indirectly, that such sale is held with the approval of the City Clerk.

C.

Such advertising shall contain a statement in the following words and no others: "Sale held pursuant to License No. _____ of the City of Mount Vernon, N.Y., granted by the City Clerk the _____ day of _____, 19____," and in such blank spaces the license number and the requisite dates shall be indicated.

§ 215-13 Exemptions.

The following persons shall be exempt from the provisions of this Article:

A.

Persons acting pursuant to an order or the process of a court of competent jurisdiction.

B.

Sheriffs and marshals acting in accordance with their powers and duties as public officers.

§ 215-14 Revocation or suspension of license.

The City Clerk shall have power to suspend or revoke at any time, for cause, any license granted in accordance with this Article.

§ 215-15 Termination of license.

No licensee shall continue in the same business at the same location after the termination of said license, nor shall such licensee directly or indirectly engage in a similar business at the same location for a period of one year after the termination of such license.

§ 215-16 Administration and enforcement.

The Commissioner of Public Safety shall render such aid and assistance to the City Clerk as the latter may require in the administration and enforcement of this Article.