

CHAPTER 127

LICENSING OF AUCTIONS

127.01 License Required

127.02 Application; Fee

127.03 Issuance of License

127.04 Refusal of Issuance; Appeal

127.05 Duration of License

127.06 Transfer Restricted

127.07 Display of License

127.08 Use of Streets and Sidewalks Prohibited

127.09 Revocation

127.10 Inspection and Investigation

127.11 Exemptions

127.01 LICENSE REQUIRED. It is unlawful for any auctioneer to conduct a sale in the City without having a license as provided in this chapter.

127.02 APPLICATION; FEE. Application for a license required under this chapter shall be in writing on forms furnished by the Clerk and shall include the following:

1. Applicant's full name and address of residence;
2. Address of applicant's business establishment or office, if any;
3. Names and addresses of principal officers if applicant is a corporation or other association;
4. General description of the goods or property to be sold, including their approximate values; and
5. Time and place at which the sale will be held.

The application shall be filed with the Clerk and shall be accompanied by a license fee in an amount set by resolution of the Council. The Clerk shall give the applicant a written receipt showing the sum received and the time of receipt.

127.03 ISSUANCE OF LICENSE. If the Clerk determines that the application is in proper form and that all of the prescribed conditions for the issuance of a license to conduct an auction have been satisfied and that the proposed auction will not endanger the public welfare, order, safety, health, or morals, the Clerk shall issue such license.

127.04 REFUSAL OF ISSUANCE; APPEAL. If the Clerk refuses to issue a license, the reasons for such refusal shall be endorsed on the application. The applicant shall then have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the members present (if a quorum), and the Clerk shall carry out the Council's decision.

127.05 DURATION OF LICENSE. The license for an auctioneer's sale shall expire at midnight of the day authorized for the sale. An annual license for auctioneer's sales shall expire one year from date of issuance.

127.06 TRANSFER RESTRICTED. Unless otherwise provided in this chapter, no license issued hereunder is transferable to another person and no such license may be used for a purpose other than that for which it was issued.

127.07 DISPLAY OF LICENSE. The license issued under this chapter shall be displayed in a prominent manner at the place where the auction is conducted.

127.08 USE OF STREETS AND SIDEWALKS PROHIBITED. An auctioneer shall not use any part of the public streets, alleys, sidewalks, or public places as a location for conducting a sale.

127.09 REVOCATION.

1. Grounds. The Clerk, after giving a licensee reasonable notice and a fair hearing, may revoke any license issued under this chapter for the following reasons:

A. If the licensee has made fraudulent statements in the application for the license or in the conduct of business;

B. If the licensee has violated the provisions of this chapter or otherwise conducted business in an unlawful manner;

C. If the licensee has conducted business in a manner endangering the public welfare, health, safety, order, or morals.

2. Notice. The notice of intended revocation of a license shall be in writing and shall be served personally or as required for personal service by the Iowa Rules of Civil Procedure. The notice shall state the time and place of the hearing and the reasons for the intended revocation.

3. Appeal. If the Clerk revokes a license or permit, the Clerk shall immediately notify the Council in writing, giving the reasons for the revocation. The licensee shall then have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the members present (if a quorum).

4. Effect. Revocation of a license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of revocation.

127.10 INSPECTION AND INVESTIGATION. The Clerk has the power to inspect and investigate the conduct of the auction for which a license has been issued under this chapter, or to cause such an inspection or investigation to be made by the Police Department.

127.11 EXEMPTIONS. The provisions of this chapter do not apply to any sales made by a person required by law to sell real or personal property. In addition, this chapter does not require a license for each employee or agent of an auctioneer to whom a license is required to be issued.

[The next page is 565]