

CITY OF LYNNWOOD

ORDINANCE NO. 1278

AN ORDINANCE AMENDING ORDINANCE NO. 818 AND CHAPTER 5.81 OF THE LYNNWOOD MUNICIPAL CODE BY REVISING THE AUCTIONEER LICENSE FEES AND FURTHER REGULATING AUCTIONS AND AUCTIONEERS OPERATING WITHIN THE CITY OF LYNNWOOD.

WHEREAS, the City Council of the City of Lynnwood adopted Ordinance No. 818, paragraph 23(2), which sets the auctioneers' license fee at \$50.00 per day; and

WHEREAS, the City Council finds that a more appropriate fee would be an annual fee of \$200.00;

WHEREAS, in the interest of the public health, safety and welfare, the City Council has determined that additional regulations are required;

NOW, THEREFORE, the City Council of the City of Lynnwood does ordain as follows:

SECTION 1. Ordinance No. 818, paragraph 23(1) and (2) and Chapter 5.81 of the Lynnwood Municipal Code which reads as follows:

"5.81.010 License Required. It is unlawful for any person, firm, or corporation to sell or offer to sell in the City of Lynnwood any goods, wares, merchandise, or services at auction without first obtaining a license pursuant to the provisions of this title.

"5.81.020 License Fees. The license fee for each public auction and auctioneers shall be fixed in the sum of \$25.00 for each public auction, and \$50.00 per day for each auctioneer, payable in advance."

IS HEREBY REPEALED, REVISED AND AMENDED TO READ AS FOLLOWS:

5.81.010 License Required. It is unlawful for any person, firm, or corporation to sell or offer to sell in the City of Lynnwood, any goods, wares, merchandise, or services at auction without first obtaining a license pursuant to the provisions of this title.

5.81.020 Business Premises: Every site upon which an auction is to be conducted shall pay a license fee of \$25.00 which shall be valid for one calendar day specified in the license; provided a site may be licensed for a calendar year (January through December) for a fee of \$200.00, all of which fee must be paid in prior to exercise of the authority granted under the license. A schedule of dates of auctions must be provided at the time of application for an annual license. City officials must be notified in writing 48 hours in advance of a change in the scheduled dates.

5.81.030 Individual Auctioneer License: Each person who shall act as an auctioneer shall first pay a license fee of \$50.00 which shall be valid for the one calendar day specified in the license. Provided: a person may obtain a license to act as an auctioneer at any licensed premises in the City of Lynnwood for the calendar year (January through December) for a fee of \$200.00, all of which fee must be paid prior to exercise of the authority granted under the license.

5.81.040 Prorating of License Fees. One-half of the annual prescribed fee shall be charged when applicant applies after August first.

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5.81.050 Waiver of Fees: A bona fide charitable organization may obtain a waiver of the fees specified above upon a showing to the City that no person, firm, or corporation will receive any profits from the proposed auction; provided that such a waiver will not be extended to the same organization more than one time in any one calendar year (January through December), not to exceed 3 days.

SECTION 2. That the following provisions hereinafter contained and enacted are in the public interest:

5.81.060 Limited to One Each Week. No person shall act as an auctioneer of any goods, wares, merchandise, or services at auction more than once each week.

5.81.070. Misrepresentation - Prohibited. No auctioneer shall misrepresent the quality, kind or value of any article at any auction sale.

5.81.080. Business Hours. No auction shall be held between the hours of midnight and 8:00 the following morning, and none of the above-mentioned articles shall be given away, disposed of or offered to any person as a gift, premium, bonus or inducement to purchase any other article of commodity.

5.81.090. By-Bidders - Prohibited. No person shall act as a by-bidder, or what is commonly known as "capper", a "booster", or a "schiller" at any auction or offer to make any false bid to buy or pretend to buy any such article sold or offered for sale at any public auction sale.

5.81.010. Noise Making - Prohibited. No auctioneer shall ring any bell, blow any horn, or use any noisy instrument or cause any such things to be done for the purpose of giving notice of any public sale or auction.

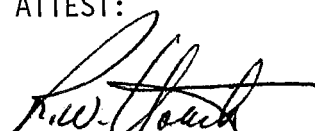
SECTION 3. Penalty for Violation. Any person, firm or corporation who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in any sum not to exceed \$500.00.

SECTION 4. That if any section, sentence, clause, or phrase of this ordinance be held to be invalid or unconstitutional, the invalidity or unconstitutionality of any section, sentence, clause, or phrase of this ordinance, the same shall not affect the validity or constitutionality of the ordinance as a whole, or any part thereof, other than the part so declared to be invalid.


SECTION 5. This ordinance shall take effect five (5) days after its passage, approval and publication.

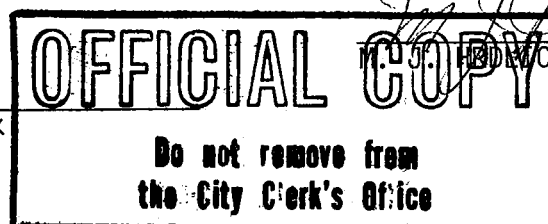
PASSED this 26th day of July, 1982, and signed in authentication of its passage this 26th day of July, 1982.


ATTEST:


R. W. NOACK, City Clerk

APPROVED AS TO FORM:


PATRICK M. CURRAN, Asst. City Attorney²




M. J. EDMISTER, Mayor