ORDINANCE NO. 365
AN ORDINANCE REGULATING AUCTIONEERS AND
THE SALE OF PROPERTY BY AUCTION IN THE
COUNTY OF SOLANO, AND PRESCRIBING A PENALTY
FOR THE VIOLATION THEREOF

THE BOARD OF SUPERVISORS OF THE COUNTY OF SOLANO DO ORDAIN AS FOLLOWS:

SECTION 1. Every person who shall at public outcry offer for sale as principal or agent, to the highest bidder on the spot any article of merchandise or property shall be deemed an "Auctioneer".

SECTION 2. It shall be unlawful for any person or persons to sell or attempt to sell by auction, or advertise for sale by auction any goods, wares or merchandise, falsely representing or pretending that such goods, wares and merchandise are in whole or in part a bankrupt or insolvent stock, or damaged goods, or goods saved from fire, or making any false statement as to the previous history, ownership, quality or character of such goods, wares and merchandise.

SECTION 3. No person or persons shall act as bidders, or what is commonly known as a "capper", "booster" or "shiller" at any auction sale or place for conducting public auctions, or offer or make any false bid for, or buy or pretend to buy, any article sold or offered for sale at any public auction.

SECTION 4. It shall be unlawful for any person or persons to offer for sale at auction any article and induce its purchase by any bidder, and afterwards to substitute any article in lieu of that offered to and purchased by the bidder, except with the bidder's knowledge and consent.

SECTION 5. It shall be unlawful for any person, firm, corporation or association to sell, dispose of, or offer for sale in the county of Solano at public auction or to cause or permit to be sold, disposed of or offered for sale in the county of Solano at public auction, any platinum, gold, silver, or plated ware, precious stones or semi-precious stones, watches or other jewelry, whether the same shall be their own property or whether they shall sell the same as agents or employees of others.

SECTION 6. Without limiting the generality of the term sale by public auction, such sale shall include a sale in which, instead of the bidders making increasingly higher bids for an article or articles of merchandise, the seller or auctioneer announces a price at which he will sell one or more articles of merchandise and then, if no sale occurs, increasingly adds additional articles of merchandise to those originally offered, with or without varying the previously announced price, until a buyer is finally induced to buy the accumulated articles at the price fixed.

SECTION 7. Without limiting the generality of the term sale by public auction, such sale shall include a sale in which, instead of the bidders making increasingly higher bids for an article or articles of merchandise, the seller or auctioneer announces a price at which he will sell one or more articles of merchandise and then, if no sale occurs, decreases the price of that offered until a buyer is finally induced to buy the article or articles offered for sale.

SECTION 8. The provisions of Section 5 hereof shall not apply to judicial sales by executors or administrators, nor to the sale at public auction of the stock on hand of any person or persons, or corporation, that shall, for the period of one year next preceding such sale, have been continuously in business in the County of Solano as a retail or wholesale merchant of platinum, gold, silver, or plated ware, precious stones or semi-precious stones, watches or other jewelry; it is further provided that the provisions of this section or any of the provisions of this ordinance shall not be deemed to apply to, regulate or prohibit the sale of pledges by loan offices in the County of Solano and it is further provided that this section nor any of the provisions of this ordinance are intended to in any manner affect, amend or vary the statutes of the State of California relating to the sale of such pledges by loan offices.

SECTION 9. Such sales at public auction of the stock on hand of such merchant or merchants shall be held on successive days, Sundays and legal holidays excepted, and shall not continue for more than thirty days in all from the commencement of said sale, and shall be permitted only where such merchant is bona fide disposing of his stock for the purpose of retiring from business.
SECTION 10. Not less than fifteen or more than thirty days previous to conducting any such sale as provided in Section 9 hereof the said merchant or merchants must take a sworn written application to the Board of Supervisors for a permit so to do, specifying under oath the name and address of the applicant, the location and purpose of the sale and its expected duration, and itemizing in detail the quality, quantity, kind or grade of each item of the goods, wares, and other articles to be sold, the wholesale market value thereof and the name of the auctioneer who shall conduct the sale.

SECTION 11. Before granting such permit the application shall be referred to the Sheriff of Solano County who shall investigate and report to the Board of Supervisors his findings as to the character of the applicant and his auctioneer, the bona fide nature of the proposed sale and as to whether the place where it is proposed to carry on said sale is a proper place. The Board of Supervisors must also be furnished satisfactory evidence that the jewelry proposed to be sold is a bona fide part of the merchant's stock in trade and not secured, purchased or brought into said place of business for or in anticipation of said sale. The Board of Supervisors in considering the application and the attending facts shall exercise a reasonable and sound discretion in granting or denying the permit applied for.

SECTION 12. In no event shall any auction sale of jewelry as above specified be conducted at public auction between the hours of 6 PM and 8 AM; provided, however, that this section shall not apply to or regulate the hours, when sales of pledges by loan offices may be made in the County of Solano, in compliance with the state law.

SECTION 13. No person or persons shall engage in the calling of auctioneer in the County of Solano unless permit therefor shall first have been procured from the Sheriff of Solano County.

SECTION 14. Any citizen of the United States and of the State of California of good moral character may become an auctioneer within the County of Solano and be authorized to sell real and personal property at public auction, if the permit heretofore mentioned has been procured, and if such person has filed the bond, approved by this Board with the Clerk thereof as provided for in Section 15 of this ordinance, and upon payment of any license required by the ordinances of Solano County. Such permit may be granted to a firm or corporation providing such firm or corporation shall designate a member of such firm or corporation as such auctioneer who shall comply with the requirements of this section.

SECTION 15. The bond referred to in the preceding section shall be in the penal sum of $1,000.00 conditioned for the faithful performance of the duties of the auctioneer, for the observance by him of the provisions of this ordinance and for the indemnification by him of any purchaser in such auction suffering loss or damage by reason of misrepresentations as to property sold.

SECTION 16. For every violation of the provisions of this ordinance, or of his duties as auctioneer, in addition to the penalty herein provided for such auctioneer shall forfeit to the County of Solano the sum of Two Hundred Fifty and no/100 Dollars ($250.00) which shall be recoverable upon the bond above provided for.

SECTION 17. The permit provided for by this ordinance shall not be transferable and the holder thereof shall hold a sale at one location only under such permit.

Any auctioneer may employ a crier at any sale and the said auctioneer shall be responsible for the acts of said crier upon his bond.

SECTION 18. Permits to conduct auction sales shall be refused to any person, firm or corporation who has violated any of the provisions of this ordinance or who has made any or makes any false representations in their application for said permit.

SECTION 19. In addition to the other penalties herein provided for any violation of any of the provisions of this ordinance by any auctioneer or by any other person or persons with an auctioneer's knowledge and consent or connivance, the license of such auctioneer may be revoked.

SECTION 20. Daily reports must be filed with the Sheriff of Solano County of all sales held under this ordinance, setting forth a description of the articles sold, the amount received, the lot number or pledge number or stock number of the item so sold in each case to comply with such numbers, contained in the inventory filed previous to holding such sale, in accordance with Section 10 of this ordinance.

SECTION 21. Each auctioneer must keep a record book in which he must enter all sales, the amount paid, and the date of each sale, which book must be open at all times for the inspection of the Sheriff's office of the County of Solano.
SECTION 22. It shall be unlawful for any person, firm or corporation, other than a licensed auctioneer, who shall have complied with the terms of this ordinance to hold, conduct, carry on or maintain any auction room or place for holding public auction sales, or to advertise or hold himself out to the public as an auctioneer, or to conduct, carry on or maintain any sale of goods by public auction, bona fide or otherwise.

SECTION 23. Any person aggrieved or damaged by any act of an auctioneer in the County of Solano in violation of or contrary to the provisions of this ordinance, may have an action against such auctioneer and his bond upon his official bond therefore.

Any fines paid by any person or persons under the provisions of this ordinance for any violation thereof, shall be paid into the Treasury of the County of Solano for the use of the General Fund of the County of Solano.

SECTION 24. The provisions of this ordinance shall not apply to any auction held for charitable or benevolent purposes or for any church fair, festival or bazaar, or to auction sales of stock, cattle, sheep, hogs or other animal farm and ranch products.

SECTION 25. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) or by imprisonment in the County Jail for a period of not more than sixty days or by both such fine and imprisonment, and each day that any of the provisions of this ordinance is violated shall constitute and be a separate offense punishable as herein provided.

SECTION 26. This ordinance shall take effect immediately upon its passage as an emergency measure, being necessary for the immediate protection of the public peace, health and safety, the facts constituting the necessity being hereby declared as follows: That the auction sales hereby regulated are, and will be, a disturbance to the public peace, health and safety, they often tend to create disturbances, and it is to the best interests of the people of the County of Solano that this ordinance take effect immediately.

SECTION 27. If any section, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of Solano County hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases thereof be declared invalid.

SECTION 28. This ordinance shall be published once on or before the fifteenth day after its passage in River News, a newspaper of general circulation printed and published in the County of Solano.

W. J. MORRISON
Chairman of the Board of Supervisors of Solano County, State of California

ATTENT: LEWIS MORRILL
County Clerk and ex-officio Clerk of said Board of Supervisors.

I, LEWIS MORRILL, County Clerk of Solano County, and ex-officio Clerk of the Board of Supervisors of said County, do hereby certify that the above and foregoing Ordinance was regularly introduced, passed and adopted by said Board at an adjourned regular meeting thereof held November 19th, 1953, by the following vote:

AYES: Supervisors Church, Goeheen, Kilby, Powers and Morrison.

NOES: Supervisors None.

ABSENT: Supervisors None.

WITNESS my hand and the Seal of said Board this 19th day of November, 1953.

LEWIS MORRILL (Seal)
Clerk