AN ORDINANCE of the City of Kent, Washington governing "Going Out of Business Sales", providing for licensing thereof, establishing procedures for conducting such sales and providing penalties for violations.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. LICENSE REQUIRED. It shall be unlawful for any person to advertise or conduct any sale of goods, wares, or merchandise at retail that is represented or advertised as a bankrupt, insolvent, assignee's, adjustor's, trustee's, executor's, administrator's, receiver's, wholesaler's, jobber's, liquidation, quitting business, or any other sale which is by representation of advertisement intended to lead the public to believe that the person conducting said sale is selling out or closing out all, or substantially all, of the stock of goods, wares or merchandise of any business for less than the current or going retail price thereof in the City of Kent, without first filing with the City Clerk an inventory hereafter provided for and obtaining from the City Clerk a license so to do to be known as a "going out of business license". Such license shall be issued by the City Clerk upon payment of proper license fees hereinafter provided for.

Section 2. REQUIREMENT FOR EXISTING BUSINESS LICENSE. No going out of business license will be issued to any person that does not at the time of application for the going out of business license hold a then valid Kent Business License.

Section 3. PERSON DEFINED. "Person", as used in this Ordinance, shall include any person, firm, partnership, or corporation in the City of Kent. The manager of any firm or corporation shall be deemed responsible for the obtaining of such license as well as such person, firm, or corporation.
Section 4. LICENSE APPLICATION REQUIREMENTS. Any person desiring to secure a license to advertise or to conduct any sale of goods referred to in Section 1 of this Ordinance shall make application for license therefor to the City Clerk. The application shall state the name and address of the person, firm or corporation applying for the same and shall specify the period of time during which the sale will continue, which shall not exceed three (3) months except as hereinafter provided. The application shall have attached to it an inventory which shall contain a complete and accurate list of goods, wares and merchandise to be sold, together with the wholesale price thereof. The inventory shall be signed by the person seeking the license or by an authorized agent thereof and said application shall be accompanied by the oath of the applicant or agent that the statements contained in said application are true and correct to the best of his knowledge and belief.

Section 5. BASIC LICENSE FEE. The basic license fee for going out of business sale licenses shall be $75.00. The basic license shall be valid for a period not to exceed three (3) months and the basic license fee shall be paid at the time of application therefor.

Section 6. SUPPLEMENTAL LICENSING. If at any time during three (3) months after issuance of a basic license a sworn statement is filed with the City Clerk that all the goods in the original inventory have not been sold, said statement to be accompanied by an inventory of what remains unsold, showing the wholesale price thereof, a supplemental license to be effective upon expiration of the basic license shall be issued by the City Clerk. The fee for supplemental license shall be $50.00 per day and said license shall remain in effect only upon receipt each day of the $50.00 fee and only so long as full compliance with all provisions of the Ordinance occurs; provided, however, that no supplemental license may be issued for any period thirty (30) days beyond the expiration date of the basic license.

Any application for a license under this Ordinance covering any goods, wares or merchandise previously inventoried and licensed, shall be deemed to be an application for a supplemental license under this section, whether presented by the original applicant or by any other person.
Section 7. The City Clerk shall file each application and shall endorse on such applications the date a license is granted or refused.

Section 8. FALSE APPLICATION. It shall be unlawful to knowingly make any false statement in any application.

Section 9. CO-MINGLING OF GOODS. After sixty (60) days any license issued under the provision of this Ordinance shall be valid only for inventoried goods. Co-mingling of additional merchandise with inventoried merchandise shall cause the inventoried merchandise to lose its identity as goods described in Section 1 hereof, and any license issued under the provision of this Ordinance shall no longer apply to the sale of such goods. After sixty (60) days, if inventoried stock shall be put on sale with other stock the same shall be deemed to be co-mingled, unless sufficiently segregated and marked so that the difference can be readily ascertained. A second inventory shall be submitted after sixty (60) days.

Section 10. ADVERTISING GOING OUT OF BUSINESS SALES. It shall be unlawful for any person to advertise a going out of business sale in the newspaper or other media, or in any other manner such as flyers, posters, window displays, etc., without including in said advertisement the number of the license issued to said person by the City Clerk for such going out of business sale.

Section 11. VIOLATION. No goods shall be sold under the going out of business license except those included in the inventories. After sixty (60) days, each sale of goods not so inventoried shall constitute a separate offense under this code.

Section 12. EXEMPTION. This Ordinance shall not apply to public or court officers or to any person acting under the direction of State or Federal Courts in the course of official duties.
Section 13. PENALTY. Any person violating any of the provisions of this Ordinance, shall be subject upon conviction thereof to a fine not to exceed $300.00.

Section 14. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision will not affect the validity of remaining portions of this chapter.

Section 15. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as provided by law.

ISABEL HOGAN, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY

PASSED the __ day of February, 1974.
APPROVED the __ day of February, 1974.
PUBLISHED the __ day of February, 1974.

I hereby certify that this is a true copy of Ordinance No. __, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK