Section 18-190 ARTICLE VIII. GOING OUT OF BUSINESS SALES*

***State law references**--Uniform Deceptive Trade Practices Act, O.C.G.A. § 10-1-370 et seq.; Fair Business Practices Act, O.C.G.A. § 10-1-390.

Section 18-191 Definitions.

The following words, terms and phrases, when used in this article, shall have the mean- lags ascribed to them in this section, except where the context clearly indicates a different meaning:

Fire and other altered goods sale means a sale advertised and held in such a manner as to reasonably cause the public to believe that the sale will offer goods damaged or altered by fire, smoke, water or other means.

Going-out-of business sale means a sale advertised and held in such a manner as to reasonably cause the public to believe that upon the disposal of the stock goods on hand the business will cease and be discontinued, including, but not limited to the following kinds of sales: adjuster's; adjustment; alteration; assignee's; bankrupt; benefit of creditors; benefit of trustees; building coming down; closing; creditor's end; executor's final days; forced out; forced out of business; insolvent's; last days; lease expires; liquidation; loss of lease; mortgage sale; receiver's trustee's; quitting business.

Removal of business sale means a sale advertised and held in such a manner as to reasonably cause the public to believe that the person conducting the sale will cease and discontinue business at the place of sale upon disposal of the stock of goods on hand and will then move to and resume business at a new location in the city or will then continue business from other existing locations in the city.

(Ord. of 4-27-87, § I)

Cross reference--Definitions and rules of construction generally, § 1-9

Section 18-192 Surrender of retail license, permit from city clerk; enumerated conditions requisite to conduct sales.

Any person holding a retail license issued by the city under the business license occupational tax referred to in article III of this chapter for a period of at least six (6) months who desires to advertise and conduct any one (1) of the types of sales defined in section 18-191 may surrender his current license to the city clerk, conduct such sale at the place of business for which his current license is issued and the following conditions and requirements shall apply to the conduct of any such sale defined in section 18-191:

(1) The right to conduct such sale or sales shall apply only to persons holding a current license under the business license occupational tax article of the city for a period of at least six (6) months and the permit granted by this article shall expire at the expiration of such current existing license.
(2) Such sale may be extended and conducted only at the place of business licensed under the existing business license occupational tax referred to in article III of this chapter, except that any fire or other altered goods sale may be conducted at any other permitted location in the city.
(3) Such sale may be advertised and conducted only for a period of sixty (60) days following the issuance of a permit to conduct such sales, but upon application made to the city clerk the length of time for the advertisement and conduct of such sale may be extended, at the discretion of the city manager, for one (1) period of time only, not to exceed thirty (30) days.
(4) Each license holder who or which conducts a sale as contemplated by this article shall obtain from the office of the city clerk-treasurer a notice of permit to conduct such sale, which notice of permit shall include a permit number and the dates during which such sale will be permitted. The notice of permit referred to shall be posted at a conspicuous place on the premises where the sale is conducted so as to be readily observable by members of the public. In addition, any advertisements, whether by newspaper, handbill, televisions, radio, or otherwise, shall make reference to the permit number under which the sale is conducted.

(5) The right to advertise and conduct such sale shall be personal and not transferable to any other person except that upon the death of a person doing business under a license issued under the business license occupational tax article, his heirs, administrators or executors shall have the right to conduct any sale or sales provided for in section 18-91.
(6) After the completion of such sale the current license shall be cancelled by the city clerk, except that the holder of any license conducting a fire or other altered goods sale shall have his license returned to him by the city clerk, and it shall be valid during the year for which it was originally issued.
(7) No license fee shall be required for the issuance of the permit authorized by this article, but any person conducting such a sale shall not be relieved from the payment of any gross receipts license requirements on the merchandise disposed of through such sale.
(8) Any person making application for permission to conduct such sale shall furnish to the city clerk, as a part of such application, a complete and detailed inventory of the goods, wares and merchandise at the sale location to be offered for sale as disclosed by applicant's records. The inventory shall be attached to and become a part of the application and shall include all merchandise on back order to be delivered at a later date. All merchandise on back order, to be delivered at a later date, must have been ordered more than ninety (90) days prior to the filing of the application. Inventory other than that itemized in the above submission to the city clerk shall not be brought to the sale location from points outside the city.
(9) No merchandise shall be stocked for sale except such merchandise as is on hand or on back order as defined in the foregoing subsection. Each item of merchandise stocked in such places of business in violation of the terms hereof, shall be presumed to be stocked for sale and each item thus stocked for sale shall be a separate violation of this article.

(Ord. of 4-27-87, § I.)

Section 18-193 Operation of similar business in same location forbidden for one year.

Any person who has advertised and conducted such a sale as regulated by this article shall not be granted a license to conduct a similar type of business at the same location for a period of one (1) year from the date of a sale conducted pursuant to this article.

(Ord. of 4-27-87, § I)

Section 18-194 Exemptions.

The provisions of this article shall not apply to or affect the following persons:
(1) Persons acting pursuant to an order of process of a court of competent jurisdiction;
(2) Persons acting in accordance with their powers and duties as public officials;
(3) Duly licensed auctioneers, selling at auction;
(4) Any publisher of a newspaper, magazine or other publication who publishes in good faith, any advertisement, without knowledge of its false, deceptive or misleading character, or without knowledge that the provisions of this article have not been complied with.

(Ord. of 4-27-87, § I)

Section 18-195 Penalty.

Any person advertising or conducting any one (1) or more of the type of sales provided for in section 18-191 who does not comply with the provisions of this article shall, upon conviction of a violation hereof in the municipal court of the city, be punished as provided in section 1-6. (Ord. of 4-27-87, § I)

Section 18-196 18-196--18-200. Reserved.