

**CHAPTER 6**

**AUCTIONS AND AUCTIONEERS**

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[HISTORY: Adopted by the Common Council of the City of Dunkirk 5-23-1922 as Chapter IX of the Ordinances of the City of Dunkirk. Amended 6-18-1996 as L.L. #9 (Intro No. 10) 1996. Amended 10-7-1997 as L.L. #14 (Intro No. 21) 1997. Amendments noted where applicable.]

**GENERAL REFERENCES**

- Hawkers and peddlers - See Ch. 39.
- Junk dealers and pawnbrokers - See Ch. 44.
- Permits - See Ch. 51.

**§ 6-1. License required; exception.**

No person, firm or corporation shall carry on the business of an auctioneer, or sell any personal property at public auction within the City of Dunkirk, unless such person, firm or corporation shall have procured a license as required by this chapter. This chapter shall not be construed to prevent a public officer from selling personal property at public auction within said City under and by virtue of legal process or a mortgage.

**§ 6-2. License fee; expiration; exception. [Amended 6-18-1996 as L.L. #9 (Intro No. 10) 1996] [Amended 10-7-1997 as L.L. #14 (Intro No. 21) 1997]**

No person or persons, firm or corporation, except as hereinafter provided, shall offer or expose for sale at public auction or venue, at public or private places within said City, any goods, wares, merchandise or personal property of any kind without procuring a license to do so from the City Clerk.

- A. For an auction that does not take place in an auction house as hereinafter defined, the City Clerk may grant a license for an auction store sale upon the payment of Fifteen Dollars (\$15.00) for each and every day during the period for which the license is granted and the filing of a bond as described below. The time for holding such auction shall be between the hours of 7:00 A.M. and 6:00 P.M. on any day except Sunday.
- B. For an auction that takes place in an auction house, defined as a business that is established specifically for holding auctions on a regular basis in the same interior private building, the City Clerk may grant an annual license upon payment of a One Hundred Dollar (\$100.00) fee. The license period shall run from January 1st to December 31st and a new license must be obtained every January 1st, regardless of the initial date of the first license being obtained. The annual license shall be limited to the stated applicant and specific address of the auction house, it shall provide that auctions may be held in the auction house between the hours of 7:00 a.m. and 12:00 midnight, weekdays and weekends, and shall contain such further conditions as the Mayor may set.

The annual license shall be revocable upon a showing that the terms of the license have been violated by the licensee or that the surrounding area has been unreasonably disrupted by the activities of the auction house.

The Mayor may exempt the holder of this license for an auction that takes place in an auction house from the requirement of obtaining a bond as specified in Section C below for good cause shown.

- C. No license shall be granted until such person, firm or corporation applying for said license shall file with the City Clerk of the City of Dunkirk a bond in the penal sum of One Thousand Dollars (\$1,000.00), with sureties approved by the Mayor and City Attorney, conditioned for the faithful observance of the laws of the State of New York and the laws and ordinances of the City of Dunkirk, now or hereafter enacted, relating to auctions or auctioneers.

- D. Every license shall expire on December 31st following issuance and shall not be transferred without the consent of the Mayor.
- E. This section 6-2 shall not apply to selling real estate located in Dunkirk, nor to closing out sales at auction by merchants; provided such merchant shall have carried on, at the place of such sale for a period of twelve (12) months prior thereto, the business of wholesaling or retailing the same line of goods, and provided further, that such auction sale shall be similar to goods actually in stock at the commencement thereof.

**§ 6-3. False representation of goods prohibited.**

No auctioneer or other person shall knowingly make false representation as to the character, quality or ownership of any personal property offered for sale at public auction within said City.

**§ 6-4. Substitution for articles sold prohibited.**

No auctioneer or other person shall substitute any other article for the article sold to the bidder.

**§ 6-5. Bidding by auctioneer prohibited; mock bidding prohibited.**

No auctioneer shall bid in any personal property offered for sale by him, and no person shall act as accomplice for the purpose of making mock bids at any auction.

**§ 6-6. Auctions in public places prohibited without written permission.**

No person shall sell or expose for sale at public auction within the City of Dunkirk any personal property upon any sidewalk or in any public street or public place without the written permission of the Mayor. Such permits shall not be granted by the Mayor until the license provided for by § 6-2 shall have been procured.

**§ 6-7. Crying of auctions prohibited.**

No bellman or crier, or any instrument for the purpose of attracting the attention of the passerby, other than a sign or tag, shall be employed or be permitted to be used at or near any place of sale or auction. Such sign or tag shall bear the license number, and shall be given when the license is issued.

**§ 6-8. Disposition of license moneys.**

It shall be the duty of the City Clerk to pay over to the City Treasurer all moneys received for licenses granted hereunder, and report to the Common Council, at the first meeting of each month, all licenses granted during the preceding month and the amount received therefore.

**§ 6-9. Penalties for offenses.**

The violation of any of the provisions of this chapter is hereby declared to be a misdemeanor, and any person, upon being convicted of such violation, shall be punishable as provided in Chapter 1, General Provisions, Article I of the Code of the City of Dunkirk.