

**City of Mount Vernon, New York
Auctioneer Application Instructions**

License Applications

1. Fill out two copies of application completely. Applications must be legible. Please type or if filling out by hand, please print.
2. Both copies of the application must be signed before a Notary Public or Commissioner of Deeds. They may be notarized for no charge at the Office of the City Clerk. The person must sign the application in front of the notary and show current picture identification.
3. **All applicants must be fingerprinted pursuant to §88-5 of the Code of the City of Mount Vernon. Please read attached fingerprinting instructions.**
4. A surety bond in the amount of \$5,000.00 must be obtained. A Bond Continuation Certificate will be acceptable. If you need to file a new bond, please file the **Original** Bond (not copy) with the signatures notarized and an Insurance Company Financial Statement attached. Please note that the bond has a place indicated where the principle (the applicant) must sign and the signature must be notarized. We must always have current bond on file or your license will be revoked.
5. Three passport sized photos must be filed with the application.
6. The License fee is \$200.00 for the year beginning January 1 and ending December 31. Checks or money orders should be made payable to the City of Mount Vernon, NY
7. Bring or send the completed applications, all of the required documentation stated above, the pictures and payment to Office of the City Clerk, Room 104, City Hall, 1 Roosevelt Square, Mount Vernon, New York 10550. Renewals must be received by January 1.

If you receive an Auctioneer's License and you would like to hold any auctions in the City of Mount Vernon, New York, then the property owner must obtain a permit for that specific auction pursuant to §88-16 to 23.

For further information, please call (914) 665-2333.

FINGERPRINTING INSTRUCTIONS

As of 2/4/2010, people needing to be fingerprinted will need to follow the instructions below.

Go to www.L1enrollment.com or Call L-1 toll free at (877) 472-6915 to schedule an appointment to be fingerprinted. Print out the confirmation page if possible and bring it along with you to your appointment.

Payment Options: Personal or Business check, Government check, Certified check, Bank check, Money Order, or Credit Card. Checks should be made payable to L-1 Enrollment Services.

You **MUST** bring two forms of valid ID, at least one form having a photo. If you did not pay online you will have to bring your payment to your appointment.

Info:

ORI Number: NY0590300

Fingerprinting Reason: Auctioneer

Agency ID Number (License, Case or ID Number if needed):



Original _____
Renewal _____
Year _____

Application must be completely filled out.
Must be filed in duplicate.

OFFICE OF THE CITY CLERK
Mount Vernon, New York
APPLICATION FOR AUCTIONEER'S LICENSE

In accordance to Chapter 88 of the Code of the City of Mount Vernon, New York

APPLICATION FEE IS \$200.00 AND IS TO BE FILED WITH APPLICATION.

I, THE UNDERSIGNED, HEREBY SWEAR TO THE TRUTH OF THE FOLLOWING STATEMENTS:

APPLICANT NAME: _____

BUSINESS ADDRESS: _____

BUSINESS TELEPHONE NO: _____

RESIDENTIAL ADDRESS: _____

RESIDENTIAL TELEPHONE NO: _____

DATE OF BIRTH ___/___/___ SOC. SEC. NO. ___ - ___ - ___

PREVIOUS EMPLOYER(S):

<u>BUSINESS NAME</u>	<u>ADDRESS</u>	<u>DATES OF EMPLOYMENT</u>
1.		
2.		
3.		

HAS APPLICANT EVER BEEN CONVICTED OF A MISDEMEANOR OR FELONY? Y N

IF YES, FOR WHAT OFFENSE, WHEN, AND IN WHAT COURT? _____

WAS LICENSE EVER DENIED, SUSPENDED OR REVOKED? Y N,

IF YES, WHY? _____

HAVE YOU EVER ENGAGED EITHER INDIVIDUALLY, OR WITH SOMEONE ELSE, IN THE BUSINESS OF AUCTIONEER? Y N

IF YES, WHEN, WHERE AND UNDER WHAT NAME? _____

SURETY BOND# _____ EXPIRATION DATE ___/___/___

FURTHERMORE, IT IS AGREED THAAAT IN CONSIDERATION OF THE GRANTING OF THE LICENSE, HEREBY APPLIED FOR, THAT THE APPLICANT WILL COMPLY WITH ALL THE RULES AND REGULATIONS OF CHAPTER 88 OF THE CODE OF THE CITY OF MOUNT VERNON, NEW YORK.

Signature of Applicant

SWORN AND SUBSCIBED TO BEFORE
ME THIS ___ DAY OF _____, 20___

Notary Public or Commissioner of Deeds

I HAVE INVESTIGATED APPLICANT IN ACCORDANCE WITH §88-5 OF THE CODE OF THE CITY OF MOUNT VERNON AND RECOMMEND THAT LICENSE BE GRANTED ___ REFUSED ___.

Police Commissioner Date

City Clerk Date



Original _____
Renewal _____
Year _____

Application must be completely filled out.
Must be filed in duplicate.

OFFICE OF THE CITY CLERK
Mount Vernon, New York
APPLICATION FOR AUCTIONEER'S LICENSE

In accordance to Chapter 88 of the Code of the City of Mount Vernon, New York

APPLICATION FEE IS \$200.00 AND IS TO BE FILED WITH APPLICATION.

I, THE UNDERSIGNED, HEREBY SWEAR TO THE TRUTH OF THE FOLLOWING STATEMENTS:

APPLICANT NAME: _____

BUSINESS ADDRESS: _____

BUSINESS TELEPHONE NO: _____

RESIDENTIAL ADDRESS: _____

RESIDENTIAL TELEPHONE NO: _____

DATE OF BIRTH ___/___/___ SOC. SEC. NO. ___-___-___

PREVIOUS EMPLOYER(S):

<u>BUSINESS NAME</u>	<u>ADDRESS</u>	<u>DATES OF EMPLOYMENT</u>
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1. _____

2. _____

3. _____

HAS APPLICANT EVER BEEN CONVICTED OF A MISDEMEANOR OR FELONY? Y N

IF YES, FOR WHAT OFFENSE, WHEN, AND IN WHAT COURT? _____

WAS LICENSE EVER DENIED, SUSPENDED OR REVOKED? Y N,

IF YES, WHY? _____

HAVE YOU EVER ENGAGED EITHER INDIVIDUALLY, OR WITH SOMEONE ELSE, IN THE BUSINESS OF AUCTIONEER? Y N

IF YES, WHEN, WHERE AND UNDER WHAT NAME? _____

SURETY BOND# _____ EXPIRATION DATE ___/___/___

FURTHERMORE, IT IS AGREED THAAT IN CONSIDERATION OF THE GRANTING OF THE LICENSE, HEREBY APPLIED FOR, THAT THE APPLICANT WILL COMPLY WITH ALL THE RULES AND REGULATIONS OF CHAPTER 88 OF THE CODE OF THE CITY OF MOUNT VERNON, NEW YORK.

Signature of Applicant

SWORN AND SUBSCIBED TO BEFORE
ME THIS ___ DAY OF _____, 20___

Notary Public or Commissioner of Deeds

I HAVE INVESTIGATED APPLICANT IN ACCORDANCE WITH §88-5 OF THE CODE OF THE CITY OF MOUNT VERNON AND RECOMMEND THAT LICENSE BE GRANTED ___ REFUSED ___.

Police Commissioner Date

City Clerk Date

[HISTORY Adopted by the Council of the City of Mount Vernon 11-13-57 as Ch. 6 of the General Ordinances of the City of Mount Vernon, approved 11-15-1957.

Amendments noted where applicable.]

GENERAL REFERENCES

Pawnbrokers — See Ch. 189.

Peddling and soliciting — See Ch. 194.

Special sales — See Ch. 215.

§ 88-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AUCTIONEER

Any person who sells or offers goods, wares and chattels at public auction.

GOODS, WARES AND CHATTELS

Includes but shall not be limited to all commodities, compounds, chattels, merchandise, watches, clocks, jewelry and all other personal property which may be lawfully kept or offered for sale, but shall not include goods damaged at sea or by fire and sold or to be sold for the benefit of the owner's insurers or for the account of whom it may concern or goods sold by virtue of judicial decree.

§ 88-2 License required.

No person shall carry on the trade of auctioneer or shall act as an auctioneer without having first secured a license therefor, and no sale at public auction of goods, wares and chattels shall be held within the city unless such sale shall be directly conducted by a licensed auctioneer pursuant to this chapter.

§ 88-3 Exceptions.

Nothing herein contained shall apply to judicial sales or sales by or for the account of executors or administrators, by trustees under deed of assignment, by lienors or by public officers in the manner prescribed by law.

§ 88-4 License application.

Every person desiring to procure a license as herein provided shall file with the City Clerk a written application upon a blank form prepared and furnished by the city. Such application shall contain the name, business and residence address of the applicant; his previous employment and whether he has ever been convicted of a misdemeanor or felony, and if so, what offense, when and in what court; whether he has, either alone or with someone else, ever engaged in the business of auctioneer, and if so, when and where. Such application shall be signed and verified before a notary public or other officer authorized to administer oaths in the State of New York. Such application shall be accompanied by a photograph of applicant, in triplicate, taken in such position as the City Clerk may direct, within 30 days preceding the filing of the application.

§ 88-5 Investigation of applicant.

[Amended 4-24-1991, approved 4-25-1991]

When an application is filed, the City Clerk shall request the Commissioner of Public Safety to investigate whether the applicant is of good character. Every applicant for a license must file, together with the application, fingerprints of both hands. The fingerprints shall be placed upon cards provided by the Commissioner of Public Safety and shall be taken under the Commissioner's supervision by a senior police officer designated to do so, at such place as the Commissioner shall designate. The Commissioner of Public Safety shall have the authority to submit the fingerprints of the

applicant, together with the required fees, to the Division of Criminal Justice Services or other appropriate agency for processing and investigation. No application for an auctioneer's license shall be approved nor any license issued until after investigation and examination of the fingerprints of the applicant. No license shall be granted to any applicant who has been convicted of any felony or any misdemeanor involving violence, dishonesty or deceit. The Commissioner of Public Safety shall furnish to the City Clerk, in writing, the information derived from such investigation, accompanied by a recommendation as to whether the license should be granted or refused.

§ 88-6 Bond.

[Amended 9-24-2003, approved 9-25-2003]

Such application shall be accompanied by a bond in favor of the people of the City of Mount Vernon, approved as to sufficiency, form and manner of execution by the Corporation Counsel, in the penal sum of \$5,000, conditioned that the applicant will faithfully perform his duties as such auctioneer as required by law and ordinances now or hereafter enacted and render such accounts and pay such duties as may be required of him by law.

§ 88-7 Issuance of license; denial.

Upon the filing of the application, bond and information as herein provided and upon the payment to the City Clerk of the license fee herein provided for, the Mayor is hereby authorized to grant to the applicant, under his hand, to be sealed with the corporate seal and countersigned by the City Clerk, a license to engage in the business of auctioneer, as hereinbefore provided. No license shall be refused except for a specific reason and for the protection of the public safety, good order and morals. All licenses shall be numbered in the order in which they are issued and shall state clearly the dates of issuance and expiration of the license, the fee paid and the name and business address of the licensee. No applicant to whom a license has been refused shall make further application until a period of at least six months shall have elapsed since the last previous rejection, unless such applicant can show that the reason for such rejection no longer exists or unless such application was erroneously refused.

§ 88-8 License fee.

[Amended 9-24-2003, approved 9-25-2003]

The annual fee for an auctioneer's license or any renewal thereof shall be the sum of \$200.

§ 88-9 Expiration and renewal of license.

Every license shall expire on the 31st day of December next after its issuance. Every license may be renewed as of the first day of January upon payment of the required fee.

§ 88-10 Transfer prohibited.

A.

No license under the provisions of this chapter shall be transferred or assigned to any person or used by any person other than the licensee to whom it was issued.

B.

No person having a license granted under this chapter shall delegate his power to any clerk, servant, agent, employee, partner or person, but the privilege given shall be personal to the person named in the license and shall be exercised by him alone.

§ 88-11 Lost or destroyed licenses.

If a license shall be lost, stolen or destroyed without fault on the part of the holder, a duplicate in lieu thereof under the original application may be issued by the Mayor upon the filing of an affidavit satisfactorily explaining the facts of such loss or theft and upon the payment of \$1 for such duplicate license. No person shall destroy, deface or injure a license in any manner or change the name, numbers or dates thereon.

§ 88-12 Revocation of license.

The City Clerk, at any time, for such cause as he, upon investigation, may deem sufficient, may suspend or revoke any license granted under the provisions of this chapter. Violation of any of the prohibitions set forth in § **88-13** of this chapter shall be deemed sufficient cause. Whenever any license shall be so revoked, no refund of any unearned portion of the license fee shall be made, and no license shall be granted to any person whose license has been revoked, within a period of two years from the date of such revocation. Notice of the suspension or revocation and the reason or reasons therefor, in writing, shall be served by the City Clerk upon the person named in the application by mailing the same to the business address given in the application and upon filing a copy of same with the Mayor. Within 48 hours after service of the notice of suspension or revocation, the licensee may apply to the Mayor to hear and review the act of the City Clerk, and the Mayor shall affirm or disaffirm said suspension or revocation.

§ 88-13 Prohibited acts.

No auctioneer shall:

A.

Make any false representation as to the character, quality, condition, previous history, value or ownership of any property offered for sale.

B.

Substitute any other article for the article sold to the bidder.

C.

Bid in any property offered for sale by himself, and no person shall act as an accomplice or "capper" for the purpose of making mock bids at any auction.

D.

Employ a bellman, crier, musical instrument or device, loudspeaker or other means of attracting the attention of any passersby, other than a sign or flag, which shall bear the license number.

E.

Conduct any auction sale for a transient merchant or other person who has not procured a permit as required by law or ordinance or whose permit has expired or been revoked.

F.

Refuse to exhibit his license to any police officer upon demand at the place where an auction is being conducted.

G.

Receive for sale by auction or sell by auction any goods, wares or merchandise from or to any minor, knowing him to be such.

§ 88-14 Record keeping.

Every auctioneer shall, upon the receipt or acceptance by him of any goods for the purpose of sale at auction and before offering the same or any part thereof for sale at auction, write or cause to be written in a book to be kept by him for the purpose the name and address of the person who employed him to sell such goods at auction; the name and

address of the person for whose benefit, behalf or account such goods are to be sold at auction; the name and address of the person from whom such auctioneer received or accepted such goods; the name and address of the person who was the owner, the authorized agent of the owner or the consignor of such goods immediately prior to the receipt or acceptance for the purpose of sale at auction of the same by such auctioneer; the location, with street and number, if any, of such goods immediately prior to the receipt or acceptance of the same by such auctioneer for the purpose of sale at auction; the date of the receipt or acceptance by such auctioneer of such goods for the purpose of sale at auction; the place, with street and number, if any, in which such goods are to be held, kept or stored until sold or offered for sale at auction; the place, with street and number, if any, in which such goods are to be sold or offered for sale at auction; a description of such goods, the quantity thereof and the distinctive marks thereon, if any; and the terms and conditions upon which such auctioneer receives or accepts such goods for sale at auction. Such book and the entries therein made as provided for herein shall at all reasonable times be open to the inspection of the City Clerk, the Commissioner of Public Safety or their duly authorized agents.

§ 88-15 Permit to conduct sale.

Any person intending to sell at public auction any goods, wares or chattels shall make application to the City Clerk for a permit to hold such sale and shall not hold such sale until issuance of such permit by the Mayor.

§ 88-16 Application for permit.

Such application for a permit shall be in writing and shall be verified and filed not more than 15 nor less than five days before the commencement of such sale. It shall set forth the name and address of the applicant, the name and address of the auctioneer, the street and number of the premises in which it is proposed to conduct such sale and the place of business of the applicant for the two years next preceding the date fixed for the sale.

§ 88-17 Inventory.

There shall be attached to the application a verified inventory, in triplicate, showing in detail the quality, quantity, kind of grade of goods, wares and chattels proposed to be sold and the established current retail prices, if any, of the said goods, wares and chattels, and specifically stating the ownership of the items or articles. The inventory shall be verified by the applicant if he is an individual, by one of the partners if a partnership, or by a duly authorized officer if a corporation. No goods, wares or chattels shall be added to the verified inventory after same has been filed, nor shall any goods, wares or chattels be sold which are not included in such verified inventory.

§ 88-18 Investigation of inventory.

The City Clerk or the duly authorized agent of the City Clerk, before issuing a permit, shall examine and investigate the goods, wares and chattels specified in the inventory to be offered for sale, to determine whether said inventory correctly sets forth the items to be sold and their true value. The City Clerk may, upon examination of the inventory filed, require such additional information as may be necessary to ascertain the correctness of the items set forth in said inventory.

§ 88-19 Inspection of auction sales.

All auction sales conducted hereunder shall be subject to inspection by any police officer or duly authorized agent of the licensing authority to determine whether the provisions of law and the conditions of this license are being complied with. Any such agent or officer,

upon complaint or reasonable suspicion of violation, may temporarily interrupt any such auction sale for the purpose of making such an inspection where such interruption is reasonably necessary to ascertain compliance with the law and the conditions thereof.

§ 88-20 Permit fees.

[Amended 9-24-2003, approved 9-25-2003]

Upon filing the application for a permit to conduct such sale at public auction, the applicant shall pay to the City Clerk a fee in the sum of \$100 for a one-day permit and a fee in the sum of \$100 per day for a permit in excess of one day but not to exceed 10 days in duration. If any application is disapproved, said payment shall not be returned but shall be retained by the city to cover the cost of investigating the statements contained in such application.

§ 88-21 Duration of sale; exception.

A.

No sale at public auction of the goods, wares and chattels specified in the inventory shall continue for a longer period than that for which the permit was issued, Sundays and legal holidays excluded, except that the City Clerk may extend such sale for an additional period not to exceed the period for which the permit was originally issued upon the payment of an additional fee of \$100 per day; nor shall the same person, firm or corporation, after the expiration of said permit to conduct an auction sale or any renewal thereof, dispose of his goods, wares or chattels at public auction either by himself or another for a period of 12 months from the last day of the former sale.

[Amended 9-24-2003, approved 9-25-2003]

B.

The twelve-month period between sales, hereinbefore provided, shall not apply to auction sales of used household or office furniture and effects purchased from or sold on account of a householder or the owner of office furniture who has actually used such furniture and effects in his household or office, provided that a complete list of said furniture and effects, with the name and address of the person from whom they were received or purchased, shall have been previously filed with the City Clerk.

§ 88-22 Sales on holidays and Sundays.

[Amended 10-5-1979, approved 10-5-1979; 10-10-1979, approved 10-11-1979]

No permit shall be issued and no person shall conduct a sale at public auction on legal holidays. However, on Sundays, sale at public auction is only permitted between the hours of 2:00 p.m. and 8:00 p.m.

§ 88-23 Hours of sale.

[Amended 3-28-1962, approved 3-29-1962]

No permit shall be issued for and no person shall conduct a sale at public auction except between the hours of 10:00 a.m. and 10:00 p.m.

City of Mount Vernon, New York
Auction Permit Application Instructions

1. An applicant should be the party who is having the auction on their premises.
2. Two copies of the application must be completely filled out. Applications must be legible. Please type or if filling out by hand, please print.
3. Both copies of the application must be signed before a Notary Public or Commissioner of Deeds. They may be notarized for no charge at the Office of the City Clerk. The person must sign the application in front of the notary and show current picture identification.
4. An inventory of all goods to be sold at the auction, including all information as stated on the inventory form, must be filed in duplicate.
5. Applications for the auction permit must be filed not more than fifteen nor less than five days before the beginning of such sale. "No goods, wares or chattels shall be added to the verified inventory after the inventory form is filed nor shall any goods, wares or chattels be sold which are not included in such verified inventory." (Pursuant to §88-17 of the Code of the City of Mount Vernon)
6. The permit fee is \$100.00 for a one-day permit and a fee of \$100.00 per day for permit in excess of one day but which shall not exceed 10 days in duration. If any application is disapproved, than the payment of \$100.00 for the one-day permit will not be returned to cover the costs of the investigation. Any checks or money orders must be payable to the City of Mount Vernon, New York.
7. The City Clerk may extend the permit for an additional period not to exceed the period for which the permit was originally issued for the payment of an additional fee of \$100.00 per day. The applicant may not hold another auction for a period of 12 months from the last day of the former sale unless the meet the requirements as set forth in §88-21.B. of the City Code.
8. The City Clerk or duly authorized agent shall examine and investigate the items that are to be auctioned to determine whether the said inventory is correct before a permit can be issued.
9. Sales may be held between the hours of 10:00 a.m. and 10:00 p.m. Monday through Saturdays and may be held on Sundays between the hours of 2:00 p.m. and 8:00 pm. No sales may be held on legal holidays.
10. The completed applications, inventory lists and permit fee must be filed at the Office of the City Clerk, Room 104, City Hall, 1 Roosevelt Square, Mount Vernon, NY 10550.

If you need any additional information, please contact (914) 665-2333.



City of Mount Vernon, New York
Application for Permit to Hold an Auction Sale

No of Days _____
Fee: \$ _____

Application to be filled out in duplicate. Application to be filed not more than 15, nor less than 5 days before commencement of said sale. Permit fee is \$100.00 day.

I, the undersigned, hereby swear to the truth of the following statements:

Name of Applicant _____

Business Name _____

Business Address _____

Telephone Numbers _____

Business

Residence

Residential Address _____

Date of Birth _____ Social Security Number _____

Names and Addresses of Previous Employers for the last two years:

Name of Auctioneer _____ Phone No _____

Address of Auctioneer _____

Location Auction is to be held _____

Dates and Hours Auction will be held _____

I further swear that the inventory of goods, wares or chattels accompanying this application is a complete and true account of all such goods, wares or chattels to be offered for sale under the permit applied for and the undersigned is duly authorized to conduct said sale of all inventoried goods, wares and/or chattels. It is agreed that in consideration of the granting of the permit, hereby applied for, that the applicant will comply with all the rules and regulations of chapter 88 of the code of the city of Mount Vernon, New York.

Signature of Applicant

SWORN AND SUBSCRIBED TO BEFORE
ME THIS _____ DAY OF _____, 20____

Notary Public or Commissioner of Deeds

The foregoing application has been examined and the applicant investigated and I approve of the issuance of a permit.

City Clerk

Date

