

ADOPTED

OCT 21 1992

ORDINANCE NO. 187

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING ARTICLE VII, GOING OUT OF BUSINESS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 9, Licenses, is hereby amended and reordained by adding Article VII, Going Out of Business, Section 9-145, Purpose; Section 9-146, Permit required; Section 9-147, Application; Section 9-148, Permit fee; Section 9-149, Issuance of permit; Section 9-150, Term of permit; Section 9-151, Inspection; Section 9-152, Inventory; Section 9-153, Commingling or adding articles with those offered for sale; Section 9-154, General prerequisites to advertising or conduct of sale; and Section 9-155, Violations of article.

Chapter 9. Licenses

Article VII. Going Out of Business

Section 9-145. Purpose

The purpose of this Article is to promote and preserve public morals and welfare, economic integrity and fair dealing between sellers and buyers, and to prevent fraud, deceit and dishonesty in business dealings and

transactions, by regulating the conduct of certain sales of goods, wares, and merchandise.

State Code Reference – Code of Virginia Sections 18.2-223 and 224.

Section 9-146. Permit required.

It shall be unlawful for any person to advertise or conduct a sale for the purpose of discontinuing a retail business or to modify the word "sale" in any advertisement with the words "going out of business" or any other words which tend to insinuate that the retail business is to be discontinued or the merchandise liquidated, unless such person has a valid permit issued by the Commissioner of the Revenue to conduct such sale.

Section 9-147. Application.

Application for a permit required by this Article shall be filed with the Commissioner of the Revenue of the County at least ten days prior to advertising or conducting a going out of business sale. It shall be unlawful for any person to make any false statement in any application filed pursuant to this Article.

Section 9-148. Permit fee.

The fee for a permit required by this Article shall be \$65.00 which shall be paid at the time the permit applications is filed. Such fee is nonrefundable.

Section 9-149. Issuance of permit.

The Commissioner of the Revenue shall, upon review and verification of the application and payment of the fee, issue the permit required by this Article.

Section 9-150. Term of permit.

Each permit issued under this Article shall be valid for a period of no longer than 60 days and any extension of that time shall constitute a new sale and shall require an additional permit and inventory. An additional permit beyond the initial 60-day permit may be granted solely for the purpose of liquidating those goods, wares and merchandise contained in the initial inventory list which remain unsold.

Section 9-151. Inspection.

The Commissioner of the Revenue shall inspect the advertisement and conduct of a sale to ensure conformity with this Article and the permit.

Section 9-152. Inventory.

All applications for going out of business sale permits shall be accompanied by an inventory list, including the kind and quantity of all goods, wares and merchandise which are to be offered for sale during the sale and only the goods, wares and merchandise specified in the inventory list may be advertised or sold during the sale period. Goods, wares and merchandise not included on the inventory list of going out of business sale goods, wares and merchandise shall not be commingled with or added to the going out of business sale goods, wares and merchandise. The Commissioner of the Revenue shall have the right to revoke a going out of business sale permit upon proof that goods, wares and merchandise not appearing on the original inventory list of going out of business sale goods, wares and merchandise have been commingled with or added to the going out of business sale goods, wares and merchandise.

Section 9-153. Commingling or adding articles with those offered for sale.

It shall be unlawful for any person to add to or commingle with the goods, wares and merchandise listed on the inventory required by Section 9-152

at or during a sale any other goods, wares or merchandise. The goods, wares or merchandise offered for sale shall before they are sold or offered for sale be separated from other goods, wares or merchandise on the premises and be marked with symbols distinguishing them from such other goods, wares and merchandise.

Section 9-154. General prerequisites to advertising or conduct of sale.

It shall be unlawful for any person to conduct or advertise to conduct a sale to induce or attempt to induce the public to purchase or otherwise acquire an interest in goods, wares and merchandise at a sale by means of any publication or advertisement in a newspaper, magazine, book, notice, handbill, poster, circular, pamphlet, letter, billboard, sign, radio or television broadcast or in any other manner unless the seller has a valid permit under this Article and in fact and in good faith intends to go out of business.

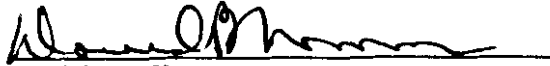
Section 9-155. Violations of article.

A violation of any provision of this Article shall constitute a Class 1 misdemeanor.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
DEPUE	AYE
TAYLOR	NAY
SISK	AYE
KNUDSON	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 21st day of October, 1992.

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