Permit Fee: $100.00 (per auction)

Date: _____

Receipt #: _____

I HEREBY APPLY FOR AN AUCTION PERMIT AS PROVIDED FOR BY SECTION 7-5-1 OF THE MUNICIPAL CODE OF THE CITY OF MENASHA

City of Menasha

Application for Auction Permit

Application must be filed with the City Clerk at least 7 days prior to date of sale.

Name of Applicant: _____

Home Address: _____

Phone Number: (h): _____ (w): _____ (c): _____ (optional)

Please list the following information for all individuals serving as auctioneers:
(If more room is needed, please attach a separate sheet of paper)

AUCTIONEER NAME	HOME ADDRESS	BUSINESS ADDRESS	DATE OF BIRTH

Owner(s) of goods to be Sold: _____

Address of Proposed Sale: _____

Date (s) of Proposed Sale: _____

Hours of Operation of Sale: _____

Details of Goods to be Sold (See other side)

Method of Advertising: _____

The undersigned deposes and says that he is the applicant named in the foregoing application; that he has read and made complete answers to each question, and that his answers in each instance are true and correct.

_____
Signature of Applicant

STATE OF WISCONSIN)
(SS
COUNTY OF WINNEBAGO)

Subcribed and sworn before me this _____ day of _____, 2007

_____ My Commission expires: _____
City Clerk or Notary Public

AUCTION GOODS CHECKLIST

CATEGORIES	NEW	USED	REMARKS
Appliances, Small			
Appliances, Large			
Artwork, Painting, Sculpture			
Audio & Visual Equipment(radios, tv's, projectors, musical instruments, etc.)			
Automobiles			
Auto Parts			
Books, Magazines, Post Cards,			
Building or Real Estate			
Clothing & other cloth items			
Coins & Precious Metals			
Construction Equipment, Heavy			
Farm Equipment			
Food			
Furniture			
Glassware (incl. dishes, collectibles)			
Guns, Weapons, Ammunition			
Handicrafts			
Jewelry			
Office Equipment			
Oriental Rugs			
Power Lawnmowers, Tillers, Snowblowers			
Tools-Hand			
Tools-Power			
Utensils			
Other (Specify Below):			

I hereby swear that only goods described above shall be sold, and no goods shall be misrepresented as to their quality, value, age, or performance capabilities.

Applicant Signature

Date

CHAPTER 5

Auctions

SEC. 7-5-1 AUCTION PERMIT REQUIRED.

(a) **WHEN REQUIRED.** No person, firm or corporation on behalf of another, shall sell or offer for sale at public auction within the City any goods, wares or merchandise or other property without first having obtained from the City Clerk a permit in writing to do so. Such permit shall be granted only upon the conditions set forth in this Chapter and shall be revoked for any violation of this Chapter. The permit is valid for one (1) year, or on a per day basis.

(b) **EXCEPTIONS.**

(1) No permit shall be required for the sale at public auction of goods, wares or merchandise by virtue of any rule, order or judgment of any court or of any law respecting the collection of any tax or duty, either of this State or the United States, or for any sale by auction of property belonging to this State or the United States, or for any sale by any trustee of bankruptcy, or any sale made by any executor, administrator or guardian duly authorized by the court to conduct such sale, personally or when made by any officer of any court in person, or by any officer of this City, County, State or the United States in person.

(2) No permit shall be required for any auction held by any church, fraternal, or charitable organization whose principal location is within the City of Menasha.

(c) **APPLICATION.** Application for a permit shall be by verified petition filed with the City Clerk, stating the name of the applicant, his residence, the street and number of the proposed place of sale. It shall set forth in detail a description of the goods to be sold and what statements or representations are to be made or advertised as to the same, the length of time for which the permit is desired, and if the applicant, his residence, the street and number of the proposed place of sale. It shall set forth in detail a description of the goods to be sold and what statements or representations are to be made or advertised as to the same, the length of time for which the permit is desired, and, if the applicant has been previously engaged in a like or similar business, the places where the same were conducted, and shall furnish the City Clerk with such further evidence as shall be deemed necessary to establish the truth of the statements made in the petition. In no event shall the petition be supplemented or additional merchandise added to the stock set forth in the petition during the period for which the permit is granted. Such list of merchandise shall be submitted within seven (7) days of each auction. Said application shall further set forth all taxes previously levied or assessed against said stock of goods set forth in said inventory, whether against the applicant or any former owner thereof and no permit shall be granted for the sale thereof until all taxes owing as a result of assessment or levy shall have been paid. The applicant shall also report whether he was convicted of a crime, statutory violation or ordinance violation within the last three (3) years.

(d) **FEES.** The fees for a per day auction permit shall be One Hundred Dollars ($100.00) for each day.

State Law Reference: Section 130.06, Wis. Stats.

SEC. 7-5-2 DENIAL OR REVOCATION OF PERMIT.

(a) **DENIAL OR REVOCATION.** An auctioneer's license may be revoked by the Chief of Police or renewal of such license may be refused by the City Clerk when it is determined:

(1) That the application of the applicant or license-holder contains any false, fraudulent, or misleading material statement; or

(2) That the applicant or license-holder has made any false, fraudulent, or misleading material statement in the course of conducting an auction sale of, or in offering for sale at auction, any real or personal property (goods, wares, or merchandise) in the City of Menasha; or

(3) That the applicant or license-holder has perpetrated a fraud upon any person whether or not such fraud was perpetrated in the conduct of an auction in the City of Menasha; or

(4) That the applicant or license-holder has violated any of the statutes of the State of Wisconsin relating to auctions or auctioneers during the license period; or

(5) That the applicant or license-holder has conducted an auction sale of, or offered for sale at auction, any real or personal property (goods, wares, or merchandise) in the City of Menasha in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public.

(b) **APPEALS.** Any person who receives a determination or order from the City of Menasha regarding an auction permit and objects to all or any part thereof may appeal to the Common Council within seven (7) days of receipt of the order and the Common Council shall hear such appeal within thirty (30) days of receipt of written notice of the appeal. After such hearing, the Common Council shall by letter notify the party appealing the order or determination of its decision within ten (10) days after the hearing has been concluded and file its written decision with the City Clerk.

SEC. 7-5-3 NO AUCTION WARES ON SIDEWALK.

No goods, wares, or merchandise or any thing whatsoever shall be placed, sold or exposed for sale at a public auction or vendue, in any street, sidewalk, alley or public grounds in the City.

SEC. 7-5-4 NO AUCTION BIDDING HELD ON SIDEWALK.

No auctioneer, his agent or servant, or any person engaged or employed in selling goods or other things at auction shall expose for sale at public auction or vendue any goods, wares, or merchandise or other things whatever to any person or persons, who, at the time of bidding for the same or while examining the same, shall be on the sidewalk of any street in the City.

SEC. 7-5-5 STATE REGULATIONS.

Chapter 130, Wis. Stats., shall apply to auction within the City of Menasha so far as applicable.