



**CITY OF MARQUETTE
AUCTIONEER PERMIT APPLICATION**

City Code, Chapter 12, Article III, Section 12-75:81

Fee: \$106/year

Bond: \$500

****ATTACH A COPY OF YOUR DRIVER'S
LICENSE TO THIS APPLICATION****

Applicant Name: _____

Name of Business: _____

Address: _____

Phone Number: _____ DOB: _____

Address of applicant during the previous year: _____

Description of goods or merchandise to be sold: _____

Does applicant have a State Treasurer's License as an auctioneer? If so, give number, date and term:

Has applicant read Chapter 12; Article III, Sections 12-76 of the Marquette City Code of Ordinances regarding prohibited activity and does applicant agree to comply with it?

YES NO

Applicant must include a copy of a corporate surety bond in the amount of \$500, with expiration date clearly noted upon it.

The applicant must, prior to each auction to be held in the City, furnish the Clerk's Office and the Police Department with a notice, which provides the date, time and place of the auction, as well as a description the items to be auctioned. NOTE: Certain auctions are exempted in the Ordinance.

APPLICANT SIGNATURE

DATE

This section for office use only

POLICE CHIEF

Recommended
 Not Recommended

DATE

TREASURER

Recommended
 Not Recommended

DATE

Sec. 12-76. - Prohibited activity.

(a)

No auctioneer shall knowingly misrepresent the quality of any goods sold by him. No auctioneer shall accept any goods from any minor for sale at auction.

(b)

No auctioneer shall conduct the auction at any other place other than that stated in the application for license as herein provided, and it shall be unlawful for either the auctioneer or owner to do, either themselves or through their agents or servants, any act or thing contrary to the statements made in such application, and any false statement therein, or any act done contrary to such statements, shall be deemed a violation of this Code.

(c)

No bell, musical instrument, buzzer, ballyhoo, or other mechanical or excessive vocal sound shall be used in any street, public place, or doorway to attract attention to sell at auction.

(d)

No new goods, wares, merchandise, or personal property shall be offered for sale at public auction when and where secondhand goods, wares, merchandise, or personal property are being sold at public auction.

(Code 1999, § 6.7.03)

SURETY BOND
For City of Marquette Auctioneer's License

KNOW ALL MEN BY THESE PRESENTS:

That we, _____

as Principal, and the _____

a corporation organized under the laws of the State of Michigan, and having its principal office in the City of Marquette, Michigan, as Surety, are held and firmly bound unto THE CITY OF MARQUETTE, MICHIGAN in the penal sum of Dollars, \$ 500.00 lawful money of the United States of America, for which payment, well and truly to be made, we jointly and severally bind ourselves, our successors and assigns, firmly by these presents.

SIGNED, SEALED, and DATED this _____ day of _____, 20____ -

WHEREAS the aforesaid Principal has _____

(If a Public Official Bond insert "been elected or appointed (name) for the term beginning (date) and ending (date)")

(If a License or Permit Bond insert "been granted a license or permit as (name business) by the said Obligee for the period of one year from (date)")

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That If the aforesaid Principal shall comply with the laws of the aforesaid Obligee governing said License or Permit") then this obligation shall be void, otherwise to remain in full force and effect.

THIS BOND is further conditioned that the liability of the Surety shall be _____

(If no further conditions insert "no further conditions")

By:

(Principal)

(Attorney-in- Fact)

ARTICLE III. AUCTIONEERS

ARTICLE III. AUCTIONEERS ^[1]

[Sec. 12-75. License required.](#)

[Sec. 12-76. Prohibited activity.](#)

[Sec. 12-77. Auction accounts.](#)

[Sec. 12-78. Sale restrictions.](#)

[Sec. 12-79. Statement of sale.](#)

[Sec. 12-80. Household goods.](#)

[Sec. 12-81. Excepted sales.](#)

[Secs. 12-82—12-107. Reserved.](#)

Sec. 12-75. License required.

No person shall engage in the trade or business of auctioneer without first obtaining a license therefor.

(Code 1999, § 6.7.01)

Sec. 12-76. Prohibited activity.

- (a) No auctioneer shall knowingly misrepresent the quality of any goods sold by him. No auctioneer shall accept any goods from any minor for sale at auction.
- (b) No auctioneer shall conduct the auction at any other place other than that stated in the application for license as herein provided, and it shall be unlawful for either the auctioneer or owner to do, either themselves or through their agents or servants, any act or thing contrary to the statements made in such application, and any false statement therein, or any act done contrary to such statements, shall be deemed a violation of this Code.
- (c) No bell, musical instrument, buzzer, ballyhoo, or other mechanical or excessive vocal sound shall be used in any street, public place, or doorway to attract attention to sell at auction.
- (d) No new goods, wares, merchandise, or personal property shall be offered for sale at public auction when and where secondhand goods, wares, merchandise, or personal property are being sold at public auction.

(Code 1999, § 6.7.03)

Sec. 12-77. Auction accounts.

Every auctioneer shall keep a full and accurate account of all goods sold by him, indicating the prior owner, the price at which sold, and to whom sold. Such account shall be open for inspection by any city police officer at any reasonable time. No auctioneer shall fail to make such account accessible to any police officer upon demand.

(Code 1999, § 6.7.04)

- CODE OF ORDINANCES
Chapter 12 - BUSINESSES

ARTICLE III. AUCTIONEERS

Sec. 12-78. Sale restrictions.

No person shall sell, dispose of, advertise for sale, or offer for sale at public auction in the city any property of any kind except under the following conditions:

- (1) That such sale shall be conducted by an auctioneer duly licensed as herein provided.
- (2) That all taxes, plus penalties, which have become a lien under any law or ordinance, whether or not such taxes have been actually assessed, shall have first been paid.
- (3) That no property of any kind will be added to the stock sought to be sold after the inventory is filed, nor shall any property have been added within 60 days prior to the commencement of such sale in anticipation thereof.
- (4) That no property which has been struck off to the highest bidder during the course of such sale shall be again offered for sale during such auction.
- (5) That no auction sale of platinum, gold, silver, plated ware, precious or semiprecious stones, watches, or other jewelry shall be permitted, unless it is a closing-out auction and application therefor has been on file with the city clerk for a period of 60 days prior to the first day of such sale, and every such article sold shall have securely attached to it a tag or label upon which shall be plainly written or printed in English a true and correct statement of the kind and quality of the metal of which the article is made or with which it is plated, and the true names, weight, quality, and color of any precious or semiprecious stone or stones, together with the names of the manufacturer of such articles.
- (6) That a sales book shall be kept, showing every sale and each sale shall be signed by the purchaser of such article at the time of the purchase, opposite a description of the article, and, if no purchaser comes forward to sign such book, then the next highest bidder shall have the right to sign such sales book and to demand and receive such article at the amount of his highest bid.

(Code 1999, § 6.7.05)

Sec. 12-79. Statement of sale.

At least five full days before commencing any sale by auction, except as noted in [section 12-78\(5\)](#), the owner of the property sought to be sold shall file a sworn application with the city clerk which shall state the following:

- (1) Whether or not the auction sought to be conducted is a closing-out auction;
- (2) If it is a closing-out auction, that the application is made in good faith for the purpose of retiring from business and that all statutes governing closing-out sales have been complied with;
- (3) That the stock of goods, or other property sought to be sold, is a bona fide part of applicant's stock or has been on the tax rolls of the city for one year;
- (4) A complete description of the property sought to be sold, in duplicate, including, if it is personal property, a completely itemized inventory with identifying numbers, or other means of readily determining the identity of each and every article;
- (5) The place where the auction is to be conducted;
- (6) The name of the auctioneer who is to conduct the sale;
- (7) The name of the owner of the property for the preceding year;

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Chapter 12 - BUSINESSES

ARTICLE III. AUCTIONEERS

- (8) The length of time the applicant has been in business in the city and the location of such business;
 - (9) That all taxes on such property have been paid;
 - (10) That no property other than that listed shall be sold or offered for sale on the premises where the auction is being conducted during the course of such auction sale;
 - (11) That all of the property listed is actually on the premises where the auction is to be conducted.
- (Code 1999, § 6.7.06)

Sec. 12-80. Household goods.

Sections [12-78](#) and [12-79](#) shall not apply to the selling by auction of secondhand household goods. The term "secondhand household goods," as used in this section, shall mean household furniture and household goods actually used by the owner in keeping house.

(Code 1999, § 6.7.08)

Sec. 12-81. Excepted sales.

The provisions of this article shall not apply to sheriffs, constables, or other public or court officers or to any person acting under the license, direction or authority of any state or federal court, selling goods, wares or merchandise in the course of their official duties, or to any person selling goods under and by virtue of any state or federal statutes.

(Code 1999, § 6.7.09)

Secs. 12-82—12-107. Reserved.

FOOTNOTE(S):

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State Law reference— Sales at public auction, new merchandise, MCL 446.51; UCC sales at public auction, MCL 440.2328; duties upon sales at auctions, MCL 446.26 et seq. [\(Back\)](#)