

Chapter 173

AUCTIONS

[HISTORY: Adopted by the Village Board of the Village of Spring Green as §§ 15.04 to 15.10 of the Village Code. Amendments noted where applicable.]

§ 173-1. License required; applicability.

- A. It shall be unlawful to advertise, hold, conduct or sell at public auction any personal property of any kind or nature, except as herein otherwise provided, in the Village of Spring Green without a license as herein provided for.
- B. Sales at auction within the meaning of this chapter shall include all sales by auction whether the property is put up to the highest bidder in fact or whether it is sold by what is usually called "dutch auction" or by bidding down the seller thereof, or by adding to the quantity of property first offered for sale at a fixed price, or in any other way if made to evade the provisions hereof.

§ 173-2. Issuance of license.

A license may be issued by the Village Clerk-Treasurer for the conducting of an auction upon the conditions herein set forth.

§ 173-3. Application for license.

- A. Each applicant for an auction license shall file an application setting forth the name of the owner or owners of the property to be sold, his or their address, the address of the property at which the auction will be held, the name of the auctioneer, and the number of days which it is estimated the auction will run. Said application shall be made by the owner of the property or his duly authorized agent and shall be verified by the applicant.¹
- B. The fee for said license shall be as set by the Village Board for each and every day that said auction is held or conducted.²
- C. Each application shall be accompanied by a sum sufficient to cover the flat fee hereinbefore imposed for the number of days which it is estimated said auction will continue.³
- D. Said flat license fee shall be due and payable with the daily report hereinafter provided for,

1. Editor's Note: Original § 15.06(2), which immediately followed this subsection and required a bond, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

for the time and sales therein reported on.⁴

§ 173-4. Daily report.

Every auctioneer of a licensed sale as herein provided shall file a daily report of all sales made at said auction, showing the article sold, to whom sold, and the price received. All books, ledgers, accounts, sales slips, and other entries and books kept of said auction by the auctioneer or clerk thereof shall be open to inspection at all times by any representative of the Village. Said daily reports shall be true and correct and verified under oath by the auctioneer.⁵

§ 173-5. Exceptions.

The provisions of this chapter shall not apply to the sale of household furniture or equipment which has been used as such, a sale by virtue of a chattel mortgage, a sale by virtue of some rule, order or judgment of court, or of some law of the United States or state respecting the collection of taxes or duty, or a sale in consequence of a general assignment of property or effects for the benefit of creditors, or a sale of property belonging to the Village, state or United States, or a sale when made by or on behalf of any executor or administrator, or when made of his farm property by or on behalf of any resident farmer who has paid the taxes lawfully levied thereon or a sale of any farm property or equipment, or when made for the purpose of closing up his/her business by or on behalf of any merchant who shall reside and trade in said Village, and who shall have paid the taxes lawfully levied on his/her said stock-in-trade, provided that said sale is made in said Village and said taxes have been paid therein on said stock, or sale by a trustee or other court officer in bankruptcy or any court sale or under the direction of any officer or person appointed by the court.

§ 173-6. Violations and penalties. ⁶

Any person who shall violate any provision of §§ 173-1 to 173-4 inclusive shall, upon conviction thereof, be punished by a fine of not less than \$20 nor more than \$300, together with the costs, and in the event that said fine and costs be not paid forthwith, said person may be confined in the county jail until said fine and costs are paid, not to exceed 30 days; however, each separate day on which an auction is held or conducted in violation hereof shall constitute a separate offense.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5. Editor's Note: Original § 15.08, which immediately followed this section and dealt with a required bond, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).