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ORDINANCE REGULATING AUCTIONS

BE IT ORDAINED BY THE BOARD OF SELECTMEN OF THE TOWN OF FAIR HAVEN:

Section 1: Conduct of Auctions:

(a) No auction sale of personal property [goods, wares or merchandise] shall be conducted within the Town of Fair Haven, except upon the issuance of a special permit therefor by the Clerk of the Board of Selectmen, and in accordance with the express terms of such special permit.

(b) Application for a special permit to conduct an auction sale of personal property [goods, wares or merchandise] within the Town of Fair Haven shall be made to the Clerk of the Board of Selectmen on a form to be provided by him, upon which shall be stated the nature and quantity of the goods to be sold and the number of days during which it is desired to conduct such auction sale and the location and hours of such auction. The Clerk of the Board of Selectmen shall issue such special permit upon the payment of a fee of \$2.00, upon his determination that there is good and sufficient reason for the issuance of such special permit. Such special permit shall specify the place or places within the Town of Fair Haven to which it pertains and the number of days for which such special permit is valid, and the hours during which said special permit is valid.

(c) The Clerk of the Board of Selectmen may refuse to issue or renew such special permit, or may revoke any special permit already issued upon notice and hearing if he determines that there is good and sufficient reason for such refusal or revocation. Any individual aggrieved by the action of the Clerk of the Board of Selectmen in refusing to issue or renew or in revoking any such special permit shall have the right to appeal to the Board of Selectmen of the Town of Fair Haven in the manner prescribed in Section Two (2) of this ordinance. Upon the revocation of any such special permit by the Clerk of the Board of Selectmen

of the Town of Fair Haven in the event that such an appeal be taken, it shall be unlawful for any individual to conduct any sale at auction in accordance with the terms of such special permit.

(d) No such special permit shall be issued to any individual except one to whom an auctioneer's license has been issued under 32 V.S.A. 7601, as amended.

SECTION 2: Hearings:

(a) Notice of the hearing provided for in Section (1) above shall be given in writing to the applicant or special permit holder as the case may be. Such notice shall be mailed, postage prepaid, to the applicant or license-holder, as the case may be, at his last known address at least five days prior to the date set for hearing. The applicant or license-holder as the case may be shall have the right to be represented at such hearing by counsel.

(b) Any individual aggrieved by the action of the Clerk of the Board of Selectmen in refusing to issue any special permit or in revoking any special permit already issued shall have the right to appeal to the Board of Selectmen of the Town of Fair Haven. Such appeal shall be taken by filing with the Board, or person designated by it, within 14 days after notice of the action complained of has been mailed, postage prepaid, to such individual's last known address, a written statement setting forth fully the grounds of appeal. The Board of Selectmen shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in sub-paragraph (a) above. The appellant shall have the right to be represented at such hearing by counsel. The decision and order of the Board on such appeal shall be final and conclusive.

SECTION 3: Auctions Prohibited on Streets, Sidewalks and Public Property:

It shall be unlawful to conduct an auction sale of personal property [goods, wa

or merchandise] on any of the streets, sidewalks or public property of the Town of Fair Haven, except with permission of Selectmen.

SECTION 4: Ordinance Not Applicable to Judicial Sales:

The provisions of this ordinance shall not be applicable to auction sales conducted by trustees or referees in bankruptcy, executors, administrators, receivers or other public officers acting under judicial process, nor to the sale of real property at auction.

SECTION 5: Penalties:

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$400.00, or by imprisonment in the Rutland Correctional Center, not exceeding 30 days, or by both such fine and imprisonment. Each such violation shall constitute a separate offense, and shall be punishable as such hereunder.

SECTION 6: Separability:

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 7: Ordinances Repealed:

Ordinance Number 28, June 26, 1962, is hereby repealed.

SECTION 8: Effective Date:

This ordinance shall take effect 60 days from the date hereof, unless a petition pursuant to 24 V.S.A. 1973 is filed seeking a permissive referendum.

Adopted this 13 day of December, 1974.

BOARD OF SELECTMEN OF FAIR HAVEN

C. J. Nemette

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