

ORDINANCE NO. 2020-8

**AN ORDINANCE
AMENDING CERTAIN SECTIONS OF CHAPTER 705, AUCTIONS AND
AUCTIONEERS, OF THE CODIFIED ORDINANCES OF THE VILLAGE
OF WAITE HILL, OHIO.**

WHEREAS, Section 705.02 provides rules governing private auctions held within the Village of Waite Hill; and

WHEREAS, Section 705.03 regulates the posting of a cash bond and general liability insurance by applicants wishing to conduct a private auction within the Village of Waite Hill; and

WHEREAS, Council desires to amend Section 705.02 and Section 705.03 in order to update and clarify its policies as to public auctions within the Village of Waite Hill.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WAITE HILL, LAKE COUNTY, STATE OF OHIO:

SECTION 1. That existing Section 705.02, Place and Procedure for Conducting Auctions, of the Codified Ordinances is hereby amended to read and provide, as follows:

705.02 PLACE AND PROCEDURE FOR CONDUCTING AUCTIONS.

The following rules shall govern the conduct of private auctions within the Village:

- (a) Place and Time. An auction for the sale of personal property (goods, wares or merchandise) shall be conducted at a residence of the Village for one (1) day only between the hours of ~~10~~9:00 a.m. and 5:00 p.m.
- (b) Number of Auctions Allowed. The owner of each residence in the Village shall be permitted to conduct one (1) auction per calendar year for the sale of personal property (goods, wares or merchandise), upon the issuance of a permit in accordance with subsection (d) hereof.
- (c) Security Required. An auction for the sale of personal property (goods, wares or merchandise) shall be patrolled and supervised by at least ~~two (2)~~ one off-duty policeman officer of the Village. Such policeman officer shall be compensated by the applicant for their services at the hourly rate then prevailing in the area for off-duty police officers, as determined by the Chief of Police.
- (d) Permit Required. Application for a permit to conduct an auction sale of personal property (goods, wares or merchandise) within the Village shall be made to the Chief of Police on a form to be provided by him upon which shall be stated the nature and quantity of the goods to be sold. The Chief of Police shall issue such permit upon the payment of a fee of ~~twenty-five~~ one hundred dollars (\$~~25~~100.00) which fee shall be in addition to and not in lieu of the ~~bond and~~ insurance policy provided for in Section 705.03, upon his a determination that there is a good and sufficient reason for the issuance of such permit.

(e) Revocation or Refusal of Permit. The Chief of Police may refuse to issue a permit if he determines that there is good and sufficient reason for such refusal. Any individual aggrieved by the action of the Chief of Police in refusing to issue a permit shall have the right to appeal to Council in the manner prescribed in subsection (f) hereof.

(f) Appeal. Any individual aggrieved by the action of the Chief of Police in refusing to issue any permit shall have the right to appeal to Council. Such appeal shall be taken by filing with the Council, or person designated by it, within ten (10) 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 for appeal. Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant by mail, postage prepaid, at his last known address at least five (5) days prior to the date set for hearing. The appellant shall have the right to be represented at such hearing by Council. The decision and order of Council on such appeal shall be final and conclusive.

(g) No tangible personal property (goods, wares or merchandise) shall be sold at auction in the Village except in compliance with the provisions of this chapter.

SECTION 2. That existing Section 705.03, Place and Procedure for Conducting Auctions, of the Codified Ordinances is hereby amended to read and provide, as follows:

705.03 BOND AND INSURANCE.

Every applicant for a permit to conduct an auction shall file with the Clerk-Treasurer a one thousand dollar (\$1,000) cash bond running to the Village to secure the Village that the applicant, if issued a permit, will comply fully with all the provisions of the ordinances of the Village and the auctioneer will comply with the statutes of the State of Ohio that regulate and concern auctions and auctioneers. Such bond shall also secure any obligations of the applicant to the Village and/or its employees. Certification of a general liability insurance policy by an insurance company authorized to do business in the State of Ohio which conforms to the above requirements shall be obtained by the property owner, applicant and/or auctioneer, and filed with the Clerk-Treasurer of the Village. Such policy shall have limits of not less than three hundred thousand dollars (\$300,000) for bodily and personal injury and one hundred thousand dollars (\$100,000) for property damage.

SECTION 3. That the existing Section 705.02 and Section 705.03 of the Codified Ordinances of the Village of Waite Hill, and any and all other ordinances that conflict herewith, be and same are hereby repealed.

SECTION 4. That actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and

any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the Village of Waite Hill.

SECTION 5. That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____, 2020

Council President

Submitted to the Mayor for
his approval on this
____ day of _____, 2020

Approved by the Mayor

ATTEST:

_____, 2020

Clerk-Treasurer

Mayor