



Date of Application _____

Date Issued _____

TOWNSHIP OF EAST BRUNSWICK
1 Jean Walling Civic Center

APPLICATION FOR GOING-OUT-OF-BUSINESS SALE

1. Name of Owner _____

2. Address of Owner _____

3. Business Name and Location of Sale _____

4. Description of Business _____

5. Date Business Opened at this Location _____

6. Premise is leased _____ or sub leased _____

7. Termination Date of Occupancy _____

8. Dates and Hours during which the sale is to occur _____

9. When was last Going-Out-Of-Business Sale at this location _____

10. Explain the reason for the disposal of the goods _____

11. Advertising will be done in the following papers (attach a copy of the advertisement) _____
LICENSE NUMBER MUST APPEAR IN THE AD.

12. Advertisements will be published on the following dates _____

STATE OF NEW JERSEY

ss:

COUNTY OF MIDDLESEX

_____ of full age, being duly sworn,
according to law, upon his oath deposes and says:

1. I am the applicant named in the foregoing application; or I am a partner named in the foregoing application; or, I am the _____ of the Corporation making the foregoing application.
2. All merchandise being sold is currently in stock and not being replenished and is regularly a part of the store, and not being brought in for the purposes of this sale.
3. I have read all the statements herein made and same are true in all respects and all documents furnished herewith are true in all respects.

Subscribed and sworn to
before me this _____ day
of _____, 19____

NOTARY PUBLIC OF NEW JERSEY

APPROVED _____
TITLE _____
DATE _____

Chapter 172

SALES, GOING OUT OF BUSINESS

- & 172-1. Definitions.
- & 172-2. License required.
- & 172-3. Restrictions; exemptions.
- & 172-4. Application requirements; fee.
- & 172-5. Effect of license; nontransferability; inspection.
- & 172-6. Duties of licensee.
- & 172-7. Violations and penalties.

[HISTORY: Adopted by the Township Council of the Township of East Brunswick 2-26-79 as Ord. No. 79-114. Amendments noted where applicable.]

GENERAL REFERENCES

Peddling and soliciting licenses - See Ch. 135, Art. III.

& 172-1. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

GOING-OUT-OF-BUSINESS SALE - A sale held out, advertised, displayed or in any way communicated to the public in such manner as to reasonably cause the public to believe that, upon the disposal of the stock or goods on hand, the business will cease and be discontinued.

GOODS - Include any goods, wares, merchandise or other property capable of being the object of a sale regulated hereunder.

PERSON - Any person, firm, partnership, corporation, company, organization or entity of any kind.

& 172-2. License required.

A license issued by the Township Clerk bearing a license number and the date on which the license was issued shall be obtained by any person before selling or offering to sell any goods at a sale to be advertised, displayed or in any way communicated to the public by any means as a going-out-of-business sale or a lost-our-lease sale. The license must be displayed on the premises, and the license number must be included in all advertising.

& 172-3. Restrictions; exemptions.

- A. **Established business requisite.** Any person who has not been the owner of a business advertised or described in the application for a license hereunder for a period of at least six (6) months prior to the date of the proposed sale shall not be granted a license, provided that, upon the death of a person doing business in the township, his or her heirs, devisees, legatees or representatives shall have the right to apply at any time for a license hereunder.
- B. **Interval between sales.** Any person who has held a sale for one (1) business, as regulated hereunder, at the location stated in the application, within one (1) year past from the date of such application shall not be granted a license for the same business or type of business.
- C. **Restricted location.** Where a person applying for a license hereunder operates more than one (1) place of business, the license shall apply only to the one (1) store or branch specified in the application; and the management of the East Brunswick store or stores shall not permit any other store or branch to advertise or represent that it is cooperating with it or in any way participating in the licensed sale, nor shall the store or branch conducting the licensed sale advertise or represent that any other store or branch is cooperating with it or participating in any way in the licensed sale unless such other store or stores are also going out of business.
- D. **Persons exempted.** The provisions of this chapter shall not apply to or affect persons acting pursuant to an order or process of a court of competent jurisdiction, persons acting in accordance with their powers and duties as public officials, duly licensed auctioneers selling at auction or any publishers of a newspaper, magazine or other publication who in good faith publish any advertisement without actual knowledge of its false, deceptive or misleading character or without actual knowledge that the provisions of this chapter have not been complied with.

& 172-4. Application requirements; fee.

- A. **Written information required.** A person desiring to conduct a sale regulated by this chapter shall make a written application under oath to the Township Clerk, setting forth and containing the following information:
 - (1) The true name and address of the owner of the goods to be sold.
 - (2) A description of the place where such sale is to be held.
 - (3) The nature of the occupancy, whether by lease or sublease, and the effective date of termination of such occupancy to the extent known at the time the application is filed.
 - (4) The date of the period of time in which the sale is to be conducted.
 - (5) A full and complete statement of the facts in regard to the sale, including the reason for the urgent and expeditious disposal of goods thereby and the manner in which the sale will be conducted, including the duration of the sale and the proposed days and hours of operation.

- (6) A sworn affidavit stating that all merchandise being sold in the sale is in stock, being liquidated, not being replenished and is regularly a part of the store and not brought in for the purposes of the sale.
- (7) The means to be employed in advertising such sale, together with the proposed content of any advertisement.

- B. **Amendment to application.** After application is made, the applicant may amend the application with regard to additional means of proposed advertising and additional information as to the manner in which the sale will be conducted; however, any amendment shall be in the same form and subject to the same requirements as the original application as set forth herein.
- C. **Recordkeeping.** All applications for a license shall be kept on file by the Township Clerk, and record shall be kept by him of all licenses issued upon such application.
- D. **License fee.** Any applicant for a license hereunder shall submit to the Township Clerk with the application for license a license fee of ten dollars (\$10.).

& 172-5. Effect of license; nontransferability; inspection.

- A. **License period.** The license shall authorize sale or advertisement for sale described in the application for a period of not more than ninety (90) consecutive days, Sundays and legal holidays included, following the issuance thereof. [Amended 9-10-79 by Ord. No. 79-168]
- B. **Place of sale.** The license shall authorize only one (1) sale described in the application at the location named therein.
- C. **Goods for sale.** No goods other than those present in inventory at the time of the initial application shall be advertised or sold at a sale for which a license is hereby required. It shall be unlawful for any person to sell, offer or expose for sale, or advertise for said sale, any goods which are not the regular stock on hand at the store at a warehouse regularly servicing the store, or to supplement, or to make any replenishments or additions from any manufacturing, jobber, wholesale, warehouse or storage building or from any other premises or from any source whatsoever during the time of a going-out-of-business sale for which a license is hereby required.
- D. **Surrender of general license.** Upon being issued a license hereunder for a going-out-of-business sale, the licensee shall surrender to the Township Clerk all other business licenses issued solely by or under township authority which he may hold at that time applicable to the location and goods covered by the application for a license under this chapter.
- E. **Nontransferability.** Any license herein provided for shall not be assignable or transferable, except to an executor or administrator of the licensee in the event of his or her death. Any such transfer shall be in writing, and a copy thereof filed with the Township Clerk.
- F. **Inspection by Township Clerk.** It shall be unlawful for any person who is either applying for a license or to whom such license has been issued to fail or refuse to give the Township Clerk or any person designated by him for that purpose all the facts connected with the stock on hand or the proper information respecting goods sold or any other information that he may require in order to make a thorough investigation of all phases connected with the sale in order to enforce this chapter.

& 172-6. Duties of licensee.

A licensee hereunder shall:

- A. **Adherence to inventory.** Make no additions whatsoever during the period of the licensed sale to the stock of goods, except for goods which are in transit, under contract for the location in question or which are in storage at a warehouse if purchased before application for license.
- B. **Advertisement of property.** Refrain from employing any untrue, deceptive or misleading advertising and in any advertisement by handbills, circulars, placards, signs, notices, newspapers or publication or other advertising, including therein the number and date of the license issued by the Township Clerk.
- C. **Adherence to advertising.** Conduct the licensed sale in strict conformity with any advertising or holding out incident thereto.
- D. **Segregation of nonsale goods.** Keep any other goods separate and apart from the goods for sale and make such distinction clear to the public.
- E. **Cessation of business at conclusion of sale.** The licensee shall not continue the business beyond the date specified for such sale and shall not, upon conclusion of such sale, continue the business under the same name or under a different name in the same location or elsewhere in the Township of East Brunswick.

& 172-7. Violations and penalties.

- A. A person not complying with the ninety-day deadline shall be subject to a fine of one hundred dollars (\$100.) per day for each day of operation after said license has expired.
- B. After ten (10) days of violations, the applicant shall be subject to prosecution for fraud.
- C. A person failing to obtain a license and conducting a going-out-of-business sale shall be subject to a fine of not more than five hundred dollars (\$500.) or ninety (90) days in jail, or both.