

OFFICE OF THE CITY CLERK
CITY HALL
ROME, NEW YORK

APPLICATION FOR LICENSE FOR
"CLOSING OUT AND SIMILAR SALES"

INSTRUCTIONS:

PLEASE PRINT OR TYPE. ANSWER ALL QUESTIONS COMPLETELY. IF A QUESTION IS NOT PERTINENT, WRITE N/A IN THE ACCOMPANYING SPACE. DO NOT LEAVE ANY QUESTIONS UNANSWERED. INCOMPLETE OR UNANSWERED QUESTIONS SHALL RESULT IN A DENIAL OF THE LICENSE APPLICATION. FALSIFICATION OF ANY ANSWERS IN THIS APPLICATION SHALL RESULT IN THE REVOCATION OF THE LICENSE, FORFEITURE OF ANY FEES OR BOND, AND POTENTIAL CRIMINAL PROSECUTION.

THIS APPLICATION FOR A CLOSING OUT OR SIMILAR SALES LICENSE IS MADE PURSUANT TO CHAPTER 18 OF THE ROME CODE OF ORDINANCES AND ARTICLE 29-F OF NEW YORK STATE GENERAL BUSINESS LAW.

LICENSE FEE FOR THIS APPLICATION SHALL BE \$500.00.

I. INDIVIDUAL BACKGROUND:

NAME OF APPLICANT: _____
TITLE: _____
PERMANENT ADDRESS: _____
PERMANENT PHONE: _____
PLACE & DATE OF BIRTH: _____
SOCIAL SECURITY NO: _____

II. BUSINESS ASSOCIATION:

Are you associated or affiliated with any business, corporation or partnership? If yes, answer the following:

NAME OF BUSINESS/CORPORATION/PARTNERSHIP: _____
LOCAL ADDRESS: _____
LOCAL PHONE NO.: _____
PRINCIPAL PLACE OF BUSINESS WITHIN THE STATE: _____
DATE & PLACE OF INCORPORATION: _____

NAMES & ADDRESSES OFFICERS OR PARTNERS:

(1) NAME: _____
ADDRESS: _____
TITLE: _____
BUSINESS PHONE: _____
(2) NAME: _____
ADDRESS: _____
TITLE: _____
BUSINESS PHONE: _____

(3) NAME: _____
ADDRESS: _____

TITLE: _____
BUSINESS PHONE: _____

HAS CONTROLLING INTEREST IN THE CORPORATION OR ASSOCIATION BEEN TRANSFERRED WITHIN SIX MONTHS PRIOR TO THE DATE OF THE FILING OF THIS APPLICATION?
YES _____ NO _____

III. CLOSING OUT SALE INFORMATION:

1. IS THE APPLICANT THE TRUE OWNER OF THE GOODS, WARES OR MERCHANDISE TO BE SOLD?
YES _____ NO _____
IF NO, WHO IS THE TRUE OWNER OF SAID GOODS, WARES OR MERCHANDISE? _____

2. NAME AND ADDRESS OF THE PERSON OR PERSONS WHO WILL BE IN CHARGE AND RESPONSIBLE FOR THE CONDUCT OF THE SALE.

a. NAME: _____
ADDRESS: _____
TITLE: _____
PHONE NO.: (W) _____ (H) _____

b. NAME: _____
ADDRESS: _____
TITLE: _____
PHONE NO.: (W) _____ (H) _____

c. NAME: _____
ADDRESS: _____
TITLE: _____
PHONE NO.: (W) _____ (H) _____

3. EXACT ADDRESS OF THE PLACE AT WHICH THE PROPOSED SALE IS TO BE CONDUCTED: _____

4. LENGTH OF TIME APPLICANT HAS BEEN ENGAGED IN BUSINESS AT SAID LOCATION: _____

5. DATE SALE IS TO COMMENCE: _____
DATE SALE IS TO TERMINATE: _____

6. DESCRIBE NATURE OF THE OCCUPANCY WHERE SUCH SALE IS TO BE HELD (lease, ownership, rental, etc.)

EFFECTIVE DATE OF TERMINATION OF SUCH OCCUPANCY: _____

NAME & ADDRESS OF OWNER OF BUILDING (if difference from applicant) _____

7. **PROVIDE A STATEMENT OF THE DESCRIPTIVE NAME OF SALE**
(i.e., how it is to be advertised): _____
8. **STATE IN DETAIL THE REASON FOR THE URGENT AND EXPEDITIOUS DISPOSAL OF THE GOODS, WARES OR MERCHANDISE TO BE OFFERED AT SUCH SALE:**

9. **IF THE APPLICATION IS FOR A "CLOSING OUT SALE" OR A "DEFUNCT BUSINESS SALE", STATE WHETHER THE BUSINESS IS TO BE TERMINATED PERMANENTLY OR REOPENED AT ANOTHER LOCATION.**

- IF THE BUSINESS IS TO BE REOPENED, STATE:**
- a. The location of the premises at which the business is to be reopened;
 - b. Whether the applicant intends to resume the operation of the business upon the termination of the sale; and
 - c. The name or designation under which such business is to be renamed.
- _____
- _____
10. **ATTACH TO THIS APPLICATION A FULL, COMPLETE, DETAILED AND ITEMIZED INVENTORY OF THE GOODS, WARES AND MERCHANDISE TO BE OFFERED AT SUCH SALE. THIS INVENTORY SHALL:**
- a. Itemize the goods, wares and merchandise to be offered for sale and contain sufficient information concerning each item including quantity, brand name, model and manufacturer's number, if any, to clearly identify it.
 - b. List separately any goods, wares and merchandise to be offered for sale which were purchased and received during a ninety-day period immediately prior to the date of making application for the license; and
 - c. List the total retail value of the inventory of the goods, wares and merchandise to be offered at such sale based on the inventory used for applicant's most recent federal income tax return adjusted for sales and purchases.
11. **Applicant shall complete the attached "Supporting Affidavit" and submit it with this application.**
12. **IF THE APPLICATION FOR A LICENSE TO CONDUCT A "SALE OF GOODS DAMAGED BY FIRE, SMOKE OR WATER", AND THE APPLICANT WAS NOT THE OWNER AT THE TIME THE GOODS, WARES AND MERCHANDISE TO BE OFFERED AT THE CONTEMPLATED SALE WERE DAMAGED, APPLICANT SHALL ATTACH HERETO COPIES OF THE BILL OF SALE AND ALL OTHER DOCUMENTS CONNECTED WITH SUCH TRANSFER OBTAINED BY HIM FROM THE PREVIOUS OWNER OF SUCH GOODS, WARES AND MERCHANDISE.**

13. IF THE APPLICATION IS FOR A LICENSE TO CONDUCT A "DEFUNCT BUSINESS SALE", AND THE APPLICANT WAS NOT THE OWNER OF THE GOODS, WARES AND MERCHANDISE TO BE OFFERED AT THE CONTEMPLATED SALE AT THE TIME OF OCCURRENCE OF THE CIRCUMSTANCES WARRANTING THE TERMINATION OF SUCH BUSINESS, THE APPLICANT SHALL ATTACH TO THE APPLICATION COPIES OF THE BILL OF SALE AND THE OFFICIAL APPRAISAL MADE BY THE TRUSTEE, RECEIVER, ASSIGNEE FOR BENEFIT OF CREDITORS, REFEREE IN BANKRUPTCY OR THE PERSONAL REPRESENTATIVE OF A DECEDENT.

IV. OTHER:

1. If the application is for a "closing-out sale" or a "defunct business sale", it shall be filed at least fifteen (15) days prior to the date on which such sale is to commence.
2. If the application is for a "sale of goods damaged by fire, smoke or water", it may be made at any time prior to the date on which such sale is to commence.
3. **Noncompliance.**
If any defect appears in the title to the goods, or any false representation is made in such application, the City Clerk may refuse to issue said license
4. **Payment of taxes, assessments prerequisite to issuance of license.**
All taxes or municipal assessments due the city on the goods to be sold at the sale for which a license hereunder is issued, shall be paid in full before said license shall be issued.
5. **Duration of License.**
Any license granted hereunder shall be valid for a period of thirty (30) days.
6. **Extension of License Period.**
A license hereunder may be renewed for one additional period of thirty (30) days upon application therefore and payment of a fee of fifty dollars (\$50.00). The application for renewal shall be made not more than ten (10) days prior to the date of the expiration of the license and shall contain an inventory of the goods, wares and merchandise remaining on hand at the time the application for renewal is made. This inventory shall be prepared and furnished in the same manner and form as the original inventory. The application shall further contain an affidavit of the applicant that the goods, wares and merchandise listed in the inventory have not been disposed of and that no new goods, wares and merchandise have been or will be added to the inventory previously filed pursuant to this section by purchase, acquisition, on consignment or otherwise.
7. **Refund of Fee.**
The City Clerk shall return and refund to the applicant the license fee of four hundred twenty-five dollars (\$425.00) provided that the store is closed within thirty (30) days of the receipt of a license. In the event that an extension of the license period was granted, the City Clerk shall return and refund to the applicant the license fee and renewal fee of four hundred and seventy five dollars (\$475.00), provided that the store is closed within sixty (60) days of the receipt of such license.

8. **License to be posted.**
It shall be the duty of each licensee hereunder to post a copy of said license including the inventory filed therewith in a prominent place on the show window of his place of business where such goods are to be sold.
9. **License information to be Included in Advertising.**
It shall be the duty of each such licensee to print the number of said license in any and all newspapers or printed advertising referring to the sale of such goods.
10. **The City Clerk shall not review or approve this application until such time as all information pertinent to this application is completed and submitted to said individual.**
11. **NOTE: ANY PERSON CONDUCTING OR BEING RESPONSIBLE FOR ANY SALE AS SET FORTH IN ROME CITY CODE SECTION 18-66, ET SEQ., AND SECT. 580 ET SEQ. OF THE N.Y.S. GENERAL BUSINESS LAW, WITHOUT FIRST HAVING OBTAINED A LICENSE, OR ANY PERSON MAKING OR BEING RESPONSIBLE FOR ANY MISREPRESENTATION IN CONNECTION WITH THE GOODS SO OFFERED FOR SALE OR SOLD, SHALL BE GUILTY OF AN UNCLASSIFIED MISDEMEANOR PUNISHABLE BY A FINE OF TWO HUNDRED FIFTY DOLLARS (\$250.00) OR IMPRISONMENT FOR ONE YEAR OR BOTH. EACH DAY UPON WHICH ANY SALE IS CONDUCTED IN VIOLATION OF THESE PROVISIONS SHALL BE A SEPARATE VIOLATION.**

V. SIGNATURE.

I CERTIFY UNDER PENALTY OF PERJURY THAT I HAVE PERSONALLY ANSWERED ALL QUESTIONS CONTAINED HEREIN AND THAT THE INFORMATION BY ME IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

DATED: _____ SIGNATURE _____

Subscribed to before me this ____ day of _____, 20__.

Notary Public

VI. APPROVAL/DISPROVAL OF LICENSE

THE INFORMATION CONTAINED HEREIN HAS BEEN REVIEWED BY ME AND HAS BEEN FOUND (NOT FOUND) TO BE IN COMPLIANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE ROME CODE OF ORDINANCES AND ARTICLE 29-F OF THE NEW YORK STATE GENERAL BUSINESS LAW.

I HEREBY APPROVE/DISAPPROVE THIS APPLICATION.

DATED: _____
CITY CLERK

VII. FEES FOR LICENSE

FEE PAID: _____

RECEIVED BY _____

RECEIPT #: _____

(revised 1-24-06)

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR LICENSE FOR
"CLOSING OUT AND SIMILAR SALES"**

SUPPORTING AFFIDAVIT

STATE OF NEW YORK]
COUNTY OF ONEIDA] ss.:

_____, being duly sworn, deposes and states
as follows:

- (1) I am the true owner of the goods, wares and merchandise which are the subject of the attached application.
- (2) I hereby certify that no goods, wares or merchandise will be added to the aforesaid inventory following submission of this application for licenses certification to the City Clerk, Rome, New York.
- (3) I hereby certify that no goods, wares, or merchandise included within the aforesaid inventory have been purchased for resale on order without cancellation privileges.
- (4) I hereby certify that no goods, wares or merchandise listed in the aforesaid inventory have been the subject of a licensed sale conducted within one (1) year prior to the date of this application, unless they were damaged by fire, smoke or water while in the possession of the applicant.
- (6) I hereby certify that I have attached to this affidavit a list of any and all of the goods, wares or merchandise listed in the aforesaid inventory which were damaged by fire, smoke or water while in the possession of the applicant and which were the subject of a licensed sale conducted within one (1) year prior to the date of this application.

Sworn to before me this ____ day of _____, 20__.

Notary Public

