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ARTICLE IV. AUCTIONS AND AUCTIONEERS ¹²¹

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Sec. 21-51. License required.

No personal property (goods, wares or merchandise) shall be sold at auction in the City of Dania Beach, Florida, except in compliance with the provisions of this article. It shall be unlawful to sell or cause or permit to be sold at auctions, any personal property (goods, wares or merchandise) in the City of Dania Beach, Florida, unless such sale is conducted by an individual who has applied for and obtained an auctioneer's business tax receipt from the City of Dania Beach.

(Ord. No. 27-88, § 1, 5-24-88; Ord. No. 2007-004, § 3, 3-27-07)

Sec. 21-52. Issuance and revocation of license.

- (a) The city commission of the City of Dania Beach, Florida, is hereby authorized to grant or renew an auctioneer's business tax receipt for any period of time not exceeding one (1) year to any individual applying therefor on a form to be provided for in section 21-54 of this article and the filing by the applicant of the bond required by the applicant of the bond required by section 21-55 of this article.
- (b) The form on which application shall be made for an auctioneer's business tax receipt shall require the following information:
- (1) Name of the applicant.
 - (2) Residence and business address of the applicant.
 - (3) The length of time for which an auctioneer's business tax receipt is desired.
 - (4) A statement as to whether or not the applicant holds, or has held an auctioneer's license from any state, municipality, governing body or licensing authority; a list of such licenses and a statement of the time, place and by whom issued; a statement as to whether any state, municipality, governing body or licensing authority has ever refused to issue or to renew an auctioneer's license to the applicant together with a full and accurate statement as to the reasons for any such refusal; and a statement as to whether any state, municipality, governing body or licensing authority has ever

- revoked an auctioneer's license held by the applicant together with a full and accurate statement as to the reasons for any such revocation.
- (5) A statement as to whether or not the applicant has ever been convicted of any crime, misdemeanor or violation of any municipal ordinance, and if so, the nature of the offense and the punishment or penalty assessed thereto.
 - (6) A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be two (2) inches by two (2) inches showing the head and shoulders of the applicant in a clear and distinguishing manner, except that the city commission may waive this requirement with respect to an application for renewal of an auctioneer's business tax receipt by an individual holding an unexpired auctioneer's business tax receipt issued under this article and who has in a previous application under this article complied with this requirement;
 - (7) The fingerprints of the applicant and the names of at least two (2) reliable property owners of the County of Broward, State of Florida, who will certify as to the applicant's good moral character and business responsibility or in lieu of the names of references any other available evidence as to the good moral character and business responsibility, except that the city commission may waive this requirement with respect to an application for renewal of an auctioneer's business tax receipt by any individual holding an unexpired auctioneer's business tax receipt issued under this article who has in a previous application under this article complied with this requirement.
- (c) Before issuing an auctioneer's business tax receipt to any individual applying therefor the city commission shall refer the application to the chief of police who shall cause to be made such investigation of the applicant's moral character and business responsibility as he deems necessary for the protection of the public good, except that the city commission may waive this requirement with respect to an application for renewal of an auctioneer's business tax receipt by any individual holding an unexpired auctioneer's business tax receipt issued under this article if an investigation of such applicant's moral character and business responsibility has previously been made under this section in connection with a prior application for an auctioneer's business tax receipt under this article. The chief of police shall cause the investigation herein provided for to be made within a reasonable time and shall certify to the city commission whether or not the moral character and business responsibility of the applicant is satisfactory.
- (d) An auctioneer's business tax receipt may be revoked by the city commission or an application for issuance or renewal of such receipt may be refused by the city commission, if it is determined, after notice and hearing:
- (1) That the applicant or business tax receipt holder is not an individual of good moral character and business responsibility; or
 - (2) That the application of the applicant or receipt holder contains any false, fraudulent or misleading material statement; or
 - (3) That the applicant or receipt holder has made any false, fraudulent or misleading material statement in the course of conducting an auction sale of, or in offering for sale at auction, any real or personal property (goods, wares or merchandise) in the City of Dania Beach, Florida; or
 - (4) That the applicant or receipt holder has perpetrated a fraud upon any person whether or not such fraud was perpetrated in the conduct of an auction in the City of Dania Beach, Florida; or
 - (5)

- That the applicant or receipt holder has violated any of the statutes of the State of Florida relating to auctions or auctioneers; or
- (6) That the applicant has been convicted of any crime or misdemeanor involving moral turpitude; or
 - (7) That the applicant or receipt holder has conducted an auction sale of, or offered for sale at auction, any real or personal property (goods, wares or merchandise) in the City of Dania Beach, Florida, in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.
- (e) Notice of the hearing provided for in subparagraph (d) above shall be given in writing to the applicant or receipt holder as the case may be. Such notice shall be mailed, postage prepaid, to the applicant or receipt holder as the case may be at his last known address at least five (5) days prior to the date set for hearing. The applicant or receipt holder as the case may be shall have the right to be represented at such hearing by counsel.

(Ord. No. 27-88, § 2, 5-24-88; Ord. No. 2007-004, § 3, 3-27-07)

Sec. 21-53. Judicial remedy by circuit court.

Any person aggrieved by any decision of the city commission may, within thirty (30) days from the date of rendition of such decision, apply to the Circuit Court for the Seventeenth Judicial Circuit in and for Broward County, Florida, for a review of such decision of the city commission, which said review shall be limited to a petition at common law for a writ of certiorari.

(Ord. No. 27-88, § 3, 5-24-88)

Sec. 21-54. Business tax receipt fees.

The fees for an auctioneer's business tax receipt shall be as set forth in section 15-12 of the Code of Ordinances of the City of Dania Beach.

(Ord. No. 27-88, § 4, 5-24-88; Ord. No. 2007-004, § 3, 3-27-07)

Sec. 21-55. Bond.

Every applicant for an auctioneer's business tax receipt shall file with the clerk-auditor of the City of Dania Beach, Florida, a surety bond running to the City of Dania Beach, Florida, in the amount of one thousand dollars (\$1,000.00) with surety acceptable to and approved by the city commission conditioned that the said applicant, if issued an auctioneer's business tax receipt, will comply fully with all the provisions of the ordinances of the city and the statutes of the state regulating and concerning auctions and auctioneers, will render true and strict accounts of all his sales to any person or persons employing him to make the same, will not practice any fraud or deceit upon bidders or purchasers of property from him at any auction sale or suffer or permit any person in his employ to practice any such fraud or deceit, and will pay all damages which may be sustained by any person by reason of any fraud, deceit, negligence or other wrongful act on the part of the receipt holder, his agent or employees in the conduct of any auction or in the exercise of the calling of auctioneer. A liability insurance policy issued by an insurance company authorized to do business in the State of Florida which conforms to the above requirements may be permitted by the city commission in his discretion in lieu of a bond.

(Ord. No. 27-88, § 5, 5-24-88; Ord. No. 2007-004, § 3, 3-27-07)

Sec. 21-56. Place of conducting auctions.

- (a) No auction sale of personal property (goods, wares or merchandise) shall be conducted within any of the residential areas of the city except upon the issuance of a special permit therefor by the city commission 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 areas of the city described in subsection (a) above shall be made to the city commission on a form to be provided by the city 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. The city commission shall issue such special permit upon the payment of a fee of fifteen dollars (\$15.00) which fee shall be in addition to and not in lieu of the fees and bond provided for in sections 21-54 and 21-55 respectively, of this article, upon its 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 areas described in subsection (a) above to which it pertains and the number of days for which such special permit is valid.
- (c) The city commission may refuse to issue or renew such special permit or may revoke any special permit already issued, if it determines that there is good and sufficient reason for such refusal or revocation. Any individual aggrieved by the action of the city commission in refusing to issue or renew or in revoking any such special permit shall have the right to appeal as provided in section 21-53 of this article. 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 business tax receipt has been issued under section 21-52 of this article.

(Ord. No. 27-88, § 6, 5-24-88; Ord. No. 2007-004, § 3, 3-27-07)

Sec. 21-57. Auctions prohibited on streets, sidewalks and public property.

It shall be unlawful to conduct an auction sale of personal property (goods, wares or merchandise) on any of the streets, sidewalks, or public property of the City of Dania, Florida.

(Ord. No. 27-88, § 7, 5-24-88)

Sec. 21-58. Night auctions of jewelry and certain other articles prohibited.

It shall be unlawful to offer for sale at auction or sell at auction, any gold, silver, plated ware, clocks, watches, diamonds or other precious or semiprecious stones or any imitation thereof, glassware, chinaware or jewelry or any article purporting to be or represented as any of the above-listed articles between the hours of 6:00 p.m. and 8:00 a.m.

(Ord. No. 27-88, § 8, 5-24-88)

Sec. 21-59. Article not applicable to judicial sales.

The provisions of this article 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.

(Ord. No. 27-88, § 9, 5-24-88)

Sec. 21-60. Penalties.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding five hundred dollars (\$500.00) or by imprisonment in the county jail not exceeding ninety (90) days, or by both such fine and imprisonment. Each such violation shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. No. 27-88, § 10, 5-24-88)

FOOTNOTE(S):

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Editor's note— *Ord. No. 27-88, §§ 1—10, adopted May 24, 1988, did not specifically amend the Code; therefore, inclusion as Art. IV, §§ 21-51—21-60, was at the discretion of the editor. [\(Back\)](#)*

Cross reference— *Business tax receipt fee schedule, § 15-12. [\(Back\)](#)*