

**CONSUMER PROTECTION\***

**Article I. In General**

Sec. 12-1. Adulteration, misbranding of motor fuels or lubricating oils.  
Secs. 12-2--12-25. Reserved.

**Article II. Liquidation Sales**

Division 1. Generally

Sec. 12-26. Definitions.  
Sec. 12-27. Exceptions.  
Sec. 12-28. Violations.  
Sec. 12-29. Powers of director of finance.  
Sec. 12-30. Examination of merchandise, books and records.  
Sec. 12-31. Revision of inventory lists.  
Sec. 12-32. Advertising.  
Secs. 12-33--12-45. Reserved.

Division 2. License

Sec. 12-46. Required.  
Sec. 12-47. Application.  
Sec. 12-48. Issuance, term.  
Sec. 12-49. Renewal.  
Sec. 12-50. Fees.  
Sec. 12-51. Transferability.  
Sec. 12-52. Revocation.  
Sec. 12-53. False statements.

---

\***Cross reference(s)**--Businesses, ch. 8; testing of gas meters, § 29-27; testing of water meters, § 29-60.  
**State law reference(s)**--Merchandising practices, RSMo ch. 407.

ST. JOSEPH CODE

## CONSUMER PROTECTION

### ARTICLE I. IN GENERAL

#### Sec. 12-1. Adulteration, misbranding of motor fuels or lubricating oils.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Lubricating oils* means motor oil, cylinder oil or any other oil or grease used for lubricating purposes.

*Motor fuels* means gasoline, benzine, benzol and other volatile and inflammable liquids produced or compounded and used as a motor fuel.

(b) *Prohibition.* It shall be unlawful for any person to dilute, adulterate or commingle with different grades or brands any motor fuels or lubricating oils which the manufacturer, distributor or wholesaler thereof has established and publicly designated or advertised as of a certain grade, brand or trade name or to sell or dispose of motor fuels or lubricating oils as being of such a publicly designated or advertised brand or grade which were not furnished by the manufacturer, wholesaler or distributor customarily furnishing the fuels or oils for resale as such or which were not so furnished as purporting to be of such grade or brand.  
(Code 1969, § 16-1)

**Secs. 12-2--12-25. Reserved.**

### ARTICLE II. LIQUIDATION SALES\*

\***Cross reference(s)**--Businesses, ch. 8.  
**State law reference(s)**--Going out of business sales, RSMo 407.800.

#### DIVISION 1. GENERALLY

#### Sec. 12-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Publish, publishing, advertisement, advertising* means any and all means of conveying to the public notice of sale or notice of intention to conduct a sale, whether by word of mouth, by newspaper advertisement, by magazine advertisement, by handbill, by written notice, by printed notice, by printed display, by billboard display, by poster, by radio or television announcement, and any and all other means including oral, written or printed.

*Special sale* means a sale or an offer to sell to the public goods, wares and merchandise of any and all kinds and descriptions on hand and in stock in connection with a declared purpose, as set forth by advertising on the part of the seller that such sale is anticipatory to the termination, closing, liquidation, windup, discontinuance, conclusion or abandonment of the business in connection with such sale. It shall also include a sale advertised to be a liquidation sale, insolvent sale, loss of lease sale, close-out sale, forced-out-of-business sale and any and all sales advertised in such manner as to reasonably convey to the public that upon the disposal of the stock of goods on hand, the business will cease and be discontinued.

(Code 1969, § 13-523)

**Cross reference(s)**--Definitions and rules of construction generally, § 1-2.

#### Sec. 12-27. Exceptions.

The provisions of this article shall not extend to any public sale held under legal process or to duly licensed auctioneers, selling at auction, or to any person regularly engaged in the business of liquidating stocks of merchandise, where such liquidation is conducted in his regularly established and licensed place of business, and in no event shall the provisions of this article apply to private wholesale sales of goods, merchandise or equipment salvaged from damage by fire, water, wind or other casualty.

(Code 1969, § 13-536)

#### Sec. 12-28. Violations.

It shall be unlawful for any person to violate any of the provisions of this article.  
(Code 1969, § 13-537)

#### Sec. 12-29. Powers of director of finance.

(a) In addition to the powers granted to the director of finance, he is authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations pertaining to the administration and enforcement of the provisions of this article.

(b) The director of finance shall have the power to administer oaths, take affidavits, subpoena witnesses and require attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties in the enforcement of this article and to examine them in relation thereto.  
(Code 1969, § 13-535)

#### Sec. 12-30. Examination of merchandise, books and records.

The director of finance or any deputy or agent thereof shall have the right at all times to examine

## ST. JOSEPH CODE

all merchandise on the premises for comparison with inventory lists, with the further right to examine the applicant's or licensee's books and records to verify stock lists submitted with the application under this article.  
(Code 1969, § 13-530)

### **Sec. 12-31. Revision of inventory lists.**

It shall be the duty of the licensee under this article, at the close of business each day, to revise the inventory list submitted as part of the application and to note thereon those items on the list disposed of during each day.  
(Code 1969, § 13-531)

### **Sec. 12-32. Advertising.**

All advertising shall be descriptive of the nature and purpose of the sale regulated in this article, as stated in the application therefor. No person shall advertise under any name other than the licensed name or advertise or imply that such sale is held with the approval of the city.  
(Code 1969, § 13-532)

### **Secs. 12-33--12-45. Reserved.**

## DIVISION 2. LICENSE\*

\*Charter reference(s)--Licenses, art. XIV.

### **Sec. 12-46. Required.**

No person shall engage in, carry on, conduct, maintain or publish a special sale without first having obtained a license to do so in accordance with the provisions of this article. This license shall be in addition to all licenses required or which may be required in this Code.  
(Code 1969, § 13-524)

### **Sec. 12-47. Application.**

(a) A written application for a license under this article shall be made to the director of finance on printed forms provided by him. Such application shall contain the following:

- (1) The true name and address of the owner of the goods, wares or merchandise to be the object of the sale.
- (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.

(4) A legible, orderly, detailed, complete and accurate descriptive list of the goods, wares and merchandise to be offered for sale.

(5) The place where such stock was purchased or acquired and, if not purchased, the manner of such acquisition.

(6) The true nature and purpose of the sale.

(7) Any additional information which the director of finance may require relative to the sale.

(b) Such application shall be verified under oath and submitted at least 15 days prior to the date on which the sale is to commence.  
(Code 1969, § 13-525)

### **Sec. 12-48. Issuance, term.**

Upon filing the application provided for in section 12-47, the director of finance, after investigation thereof, may issue such license for a period not exceeding 30 days.  
(Code 1969, § 13-526)

Charter reference(s)--Licensing period, § 14.1.

### **Sec. 12-49. Renewal.**

Upon satisfactory proof by a licensee under this article that the stock itemized in the original application in this division has not been disposed of, the director of finance may renew such license for an additional 30-day period. However, a maximum of four such renewals may be granted for any such sale for the same location within one year from the issuance of the original license.  
(Code 1969, § 13-527)

### **Sec. 12-50. Fees.**

A fee of \$25.00 shall be paid to the director of finance upon the filing of an application for an original license under this division or renewal thereof to conduct a sale under this article. If any such application is disapproved, the payment shall be forfeited and the fee deposited with the director of finance to defray the cost of investigating such application.  
(Code 1969, § 13-528)

### **Sec. 12-51. Transferability.**

A license issued under the provisions of this article shall not be transferable.  
(Code 1969, § 13-529)

### **Sec. 12-52. Revocation.**

The director of finance may at any time after a hearing revoke any license issued pursuant to the

## CONSUMER PROTECTION

provisions of this article if he shall find that the licensee has violated any provision of this article; has made any misrepresentation on his application; has failed to include in the inventory required by the provisions of this article all the goods, wares and merchandise being offered for sale; has added or permitted to be added to the sale any goods, wares or merchandise not described or listed in the original application and inventory; or has failed to keep suitable records of the sale.

(Code 1969, § 13-533)

### **Sec. 12-53. False statements.**

Any false statement or misrepresentation of a material fact made by an applicant for the purpose of securing a license under this division or any renewal thereof shall be deemed good and sufficient cause for refusal to grant or renew such license.

(Code 1969, § 13-534)