

**City of Cookeville Municipal Code  
Title 9, Chapter 1, Miscellaneous  
"Closing out" Sales**

**SECTION**

**9-101. "Closing out" sales.** Tennessee Code Annotated, §§ 6-55-401 through 6-55-413, are hereby adopted so as to be applicable to all sales which are regulated by said code sections when such sales are conducted within the corporate limits of Cookeville, Tennessee.

For the purpose of complying with the terms and conditions of said code sections the City Clerk of Cookeville, Tennessee, is hereby designated as the proper person to perform all the duties and obligations placed upon the "commissioner."

It is the intent of the city council that the said code §§ 6-55-401 through 6-55-413, inclusive, shall be effective in Cookeville, Tennessee, the same as if said code sections were copied herein verbatim.

**Tennessee Code Annotated, §§ 6-55-401 through 6-55-413  
Title 6 Cities and Towns, Chapter 55 Licensing and Taxing Powers, Part 4  
Regulations of Liquidation Sales.**

**6-55-401. Part Definitions.**

As used in this part, unless the context otherwise requires

(1) "Commissioner" means the commissioner or such official designated by the city ordinance, to be appointed by the municipality;

**6-55-402. License requirement.**

No person, firm or corporation shall publish or conduct any sale of the type defined in § 6-55-401 without a license for the publication or conduct of such sale.

**6-55-403. Application for license.**

(a) The commissioner is hereby authorized and empowered to supervise and regulate sales or special sales defined in § 6-55-401, and to issue appropriate licenses or license for such sales.

(b) Such licenses or license shall be issued in the discretion of the commissioner of licenses upon the written application in a form approved by the commissioner and verified by the person who, or by an officer of the corporation that, intends to conduct such sale.

(c) Such application shall contain:

(1) A description of the place where such sale is to be held, the nature of the occupancy, whether by lease or sublease and the effective date of the termination of such occupancy, the means to be employed in publishing such sale, together with the proposed language content in any advertisements;

(2) An itemized list of the goods, wares and merchandise to be offered for sale, the place where such stock was purchased or acquired, and if not purchased, the manner of such acquisition; and

(3) Any additional information as the commissioner may require.

**6-55-404. Issuance of license.**

Upon receipt of such application and payment of the fee prescribed in § 6-55-406, the commissioner shall cause the same to be examined and investigated. If after such investigation the commissioner is satisfied as to the truth of the statements contained in such application and as to the form and content of the advertising to be used in connection with such sale, the commissioner may then issue a license permitting the publication and conduct of such sale. Such license shall be for a period of not exceeding thirty (30) days.

**6-55-405. Renewal license.**

Upon satisfactory proof by the licensee that the stock itemized in the original application has not been disposed of, the commissioner may renew such license for an additional thirty-day period upon payment of the prescribed renewal fee. Such proof for a renewal license shall be furnished in a form to be issued by the commissioner. The renewal application shall contain an itemized list of stock on hand and the same shall be verified by the applicant. The commissioner shall cause the same to be examined and investigated, and if satisfied as to the truth of the statements therein contained, the commissioner may issue a renewal license for a period not exceeding thirty (30) days; provided, that not more than three (3) such renewals shall be granted for any such sale for the same location within a period of one (1) year from date of issuance of the first license.

**6-55-406. Application fee.**

Upon filing an original application or a renewal application for a license to advertise and conduct a sale or special sale, as defined in § 6-55-401, the applicant shall pay to the commissioner a fee in the sum of twenty-five dollars (\$25.00). If any application or renewal application is disapproved, such payment shall be forfeited to the commissioner of licenses as and for the cost of investigating the statements contained in such application or renewal application.

**6-55-407. Contents of advertising.**

(a) All advertisements or advertising and the language contained therein shall be in accordance with the purpose of the sale as stated in the application pursuant to which a license was issued and the wording of such advertisements shall not vary from the wording as indicated in the application.

(b) Such advertising shall contain a statement in these words and no others  
“Sale held pursuant to permit No. \_\_\_\_\_ of  
department of licenses granted the \_\_\_\_\_ day  
of \_\_\_\_\_.” and in such blank spaces shall be  
indicated the permit number and the requisite dates.

**6-55-408. Display of license — Books and records.**

(a) Upon commencement of any sale, as defined in § 6-55-401, the license issued by the commissioner shall be prominently displayed near the entrance of the premises.

(b) A duplicate of the original application and stock list pursuant to which the license was issued shall at all times be available to the commissioner or to inspectors of the department of licenses, and the licensee shall permit such inspectors to examine all merchandise on the premises for comparison with such stock list.

(c) Suitable books and records as prescribed by the commissioner shall be kept by the licensee and shall be at all times available to the inspectors of the department of licenses.

(d) At the close of the business day the stock list attached to the application shall be revised and those items disposed of during such day shall be marked thereon.

**6-55-409. Rules and regulations.**

The commissioner is further empowered to make such rules and regulations for the conduct and advertisement of such sale or special sale as in the commissioner's opinion will serve to prevent deception and to protect the public.

**6-55-410. Suspension or revocation of license.**

The commissioner has the power to suspend or revoke at any time any license granted in accordance with this part.

**55-411. Violations.**

Any person who violates, neglects or refuses to comply with any of the provisions of this part commits a Class C misdemeanor.

**6-55-412. Application of part.**

- (1) Persons acting pursuant to an order or process of court of competent jurisdiction
- (2) Persons acting in accordance with their powers and duties as public officers, such as sheriffs and marshals; or
- (3) Duly licensed auctioneers, selling at auction

**6-55-413. Adoption of part.**

Any municipality desiring to adopt the provisions of this part may do so and in addition shall have the necessary power to take whatever additional steps are required to carry out the purpose of this part.