

Town of



AMHERST Massachusetts

Town Hall - 4 Boltwood Avenue - Amherst, MA 01002

**Application for Auction Permit
Fee - \$100.00 Annually**

To the Local Permit Agent:

The undersigned hereby applies for a Special/Annual (please circle one) Permit in accordance with the provisions of the Statutes relating thereto:

Name of Applicant: _____ Telephone #: _____

Address: _____ D.O.B. _____

Name of Auctioneer: _____ License #: _____

Address: _____

Email: _____

Hours between which the auction is to be conducted: _____,m. and _____,m.

Will food/beverages be served: _____ Yes _____ No. If yes, you must have a permit from the Health Department.

Location of the auction: _____

General description of goods to be auctioned: _____

If you are applying for a Special Permit, you must also complete the following:

Estimated value of goods to be auctioned: \$ _____

Date(s) of auction (not to exceed 10 days): _____

I certify that the aforementioned information is accurate and true to the best of my knowledge and belief.

Date

Signature of Applicant

Once completed, this application must be filed (in person) with the Chief of Police. Please attach copy of Auctioneer License and return this application and License Attestation Form to the Select Board's Office, 4 Boltwood Ave, Amherst, MA 01002

Date Approved/Denied: _____	_____ Select Board, Chair
Date Approved/Denied: _____	_____ Chief of Police
Date Approved/Denied: _____	_____ Inspection/Zoning Departments
<input type="checkbox"/> Management Plan <input type="checkbox"/> Special Conditions	

**RULES AND ORDERS REGULATING THE ISSUANCE OF
ANNUAL AND SPECIAL AUCTION PERMITS**

Pursuant to the provisions of Sections 1 - 10 of Chapter 100 of the General Laws of Massachusetts, the Select Board of the Town of Amherst hereby adopts the following rules and orders regulating the issuance of Annual and Special Auction Permits.

Section 1 **Definitions**

The following words, as used in these rules and orders, unless the context or subject matter otherwise requires, shall have the following meaning:

"Auction" or *"Public auction"*, any sale, coming within its ordinary meaning, by public outcry, including in addition thereto, any sale by public outcry where property is offered first at a said price and thereafter successively or gradually at lower prices until an acceptor or purchaser is found.

"Auctioneer", any person who, for a fee, commission, profit or any other valuable consideration, or with the intention or expectation of receiving the same, by means of, or process of, an auction or sale at auction, offers, negotiates or attempts to negotiate, a listing contract, sale, purchase or exchange of goods, chattels, merchandise, real or personal property, or of any other commodity which may lawfully be kept or offered for sale by or at public auction.

"Auctioneering", the business or act of selling real, personal or mixed property by successive, competitive bids.

"Director", the director of the division of standards in the executive office of consumer affairs, established by section eleven of chapter six A.

"Goods", any chattels, livestock, merchandise, real or personal property, or commodities of any form or type which may be lawfully kept or offered for sale.

"Local auction permit agent", the person or persons so designated in a city by the mayor or in a town by the board of selectmen, or upon a failure to so designate or in the absence, incapacity or unavailability of any person or persons so designated, the chief of police.

"Person", individuals, associations, partnerships and corporations, and the officers, directors and employees of a corporation.

Section 2 **Local Auction Permit Agent**

At their February 10, 1992 regular meeting, the Select Board voted unanimously to appoint the Town Manager, or his/her designee, as the Local Auction Permit Agent. The Town Manager subsequently designated this duty to the Chief of Police.

Section 3 **Special or Annual Auction Permits**

No person shall act as an auctioneer in the commonwealth unless licensed therefore by the director. Each license issued by the director shall bear a number and shall be valid for one year from the date of its issuance, unless sooner suspended or revoked by the director.

No person shall conduct an auction without a special or annual permit issued by the Town. Application for such a permit is obtained through the Select Board's office and shall be filed with the local licensing authority or his/her/their duly designated local auction permit agent.

No person shall be eligible for an annual permit unless he/she maintains a regular place of business for the conduct of auctioneering in the Town of Amherst. Each annual permit issued shall be valid for a term of one year commencing on the date of approval, unless sooner suspended or revoked.

Within six business days of the filing of an application for a special permit, and fourteen days for an annual permit, the local auction permit agent shall either approve the permit subject to stated reasonable terms and conditions relating to public safety as he/she may establish, or deny the application on stated grounds, which must be reasonable grounds relating to public safety. Failure of an agent to act within the appropriated time period shall constitute approval of the application. Upon approval, the applicant shall pay the permit fee to the Town prior to the permit's issuance.

Any applicant for a special or annual permit who is aggrieved by the action of the local auction permit agent on his/her application shall be entitled to a public hearing by the appointing authority of the agent in accordance with the provisions of chapter thirty A.

Section 4 Prohibited Practices

No person shall: (a) sell or offer for sale at auction goods known by him/her to be owned by a minor; (b) advertise an auction or goods for sale at an auction in the Town of Amherst without including the auctioneer's license number as a part of the advertisement; (c) advertise for sale or sell goods at auction falsely representing that said goods are, in whole or in part, bankrupt or insolvent stock or damaged goods saved from fire, or otherwise falsely represent or mislead any person as to their origin, history or condition; (d) sell, offer for sale or give away in connection with an auction, any goods as prize packages, gifts, premiums or bonus or otherwise as an inducement to purchase any other goods; (e) sell, offer for sale or dispose of goods at auction by chance or lot, or without first exhibiting to prospective bidders all such goods, including those in packages, bundles or containers, except as to auctions of unclaimed articles; (f) employ or knowingly allow, directly or indirectly, any person to act at any auction as a "capper" or "by bidder" or in any like capacity, for the purpose of bidding up the price of any goods in competition with bona fide bidders or for the purpose of encouraging or enticing bona fide bidders to purchase, or for the purpose of stimulating competitive bidding or sales; or personally act in such capacity; or (g) make or knowingly accept any false bid to buy, or pretend to sell or buy goods.

Section 5 Fees

Fees for special and annual permits shall be those fees in effect with the Town's current fee schedule at the time of issuance.

Section 6 Effective Date

These rules and orders shall become effective March 17, 1992.

Town of



AMHERST *Massachusetts*

Town Hall - 4 Boltwood Avenue - Amherst, MA 01002

License Attestation Form

License Year: _____

LICENSE #: _____

LICENSEE:

Name _____

Address _____

D/B/A: _____

ID# _____

MANAGER: _____

"Pursuant to M.G.L. c 62C, s 49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support".

Signature of Applicant or
Corporate Name

By: Corporate Officer
(Mandatory, if applicable)

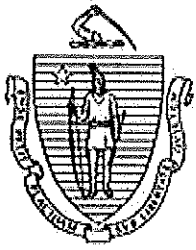
Federal Identification Number (Required)

Telephone #

Social Security Number (Voluntary)

Email

- This license will not be issued or renewed unless this certification clause is signed by the applicant.
- This number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Massachusetts General Laws, Chapter 62C, Section 49A.



The Commonwealth of Massachusetts
 Department of Industrial Accidents
 Office of Investigations
 1 Congress Street, Suite 100
 Boston, MA 02114-2017
 www.mass.gov/dia

Print Form

Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

Business/Organization Name: _____

Address: _____

City/State/Zip: _____ Phone #: _____

Are you an employer? Check the appropriate box:

1. I am a employer with _____ employees (full and/ or part-time).*

2. I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]

3. We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**

4. We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

5. Retail

6. Restaurant/Bar/Eating Establishment

7. Office and/or Sales (incl. real estate, auto, etc.)

8. Non-profit

9. Entertainment

10. Manufacturing

11. Health Care

12. Other _____

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: _____

Insurer's Address: _____

City/State/Zip: _____

Policy # or Self-ins. Lic. # _____ Expiration Date: _____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: _____ Date: _____

Phone #: _____

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):
 1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
 6. Other _____

Contact Person: _____ Phone #: _____

Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an *employee* is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An *employer* is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However, the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that "every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required." Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply your insurance company's name, address and phone number along with a certificate of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. **Also be sure to sign and date the affidavit.** The affidavit should be returned to the city or town that the application for the permit or license is being requested, **not** the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary). A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

The Office of Investigations would like to thank you in advance for your cooperation and should you have any questions, please do not hesitate to give us a call.

The Department's address, telephone and fax number:

The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
1 Congress Street, Suite 100
Boston, MA 02114-2017

Tel. # 617-727-4900 ext 406 or 1-877-MASSAFE

Fax # 617-727-7749

www.mass.gov/dia