

ORDINANCE NO. 504

AN ORDINANCE RELATING TO THE ENGAGING IN THE BUSINESS OF SELLING AND DELIVERING FRUITS, VEGETABLES, POULTRY, EGGS, BUTTER AND OTHER MERCHANDISE AT WHOLESALE WITHIN THE CITY OF GRAND JUNCTION, AND PROVIDING FOR A LICENSE THEREFOR, AND FOR AN OCCUPATION TAX TO BE PAID FOR SUCH LICENSE, AND FOR GIVING OF BOND BY SUCH LICENSEE AND PROVIDING EXEMPTIONS FROM THE PROVISIONS HEREOF, AND PENALTIES FOR THE VIOLATION HEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

SECTION 1

DEFINITIONS

(a) The term "regularly established place of business", when used in this ordinance, shall mean a warehouse or a store or stall in a public market place in which there is kept for sale and delivery a stock of fruits, vegetables, poultry, eggs, butter or other merchandise, and which stock is reported to the County Assessor for purposes of taxation, and which place is kept open to the public during all usual business hours.

(b) The term "A regular employee of any farmer or producer", when used in this ordinance, shall mean a person then employed by such farmer or producer, and whose principal occupation is field work upon the farm or ranch of such farmer or producer.

(c) The term "Common carrier", when used in this ordinance, shall mean a common carrier by steam railroad, or any common carrier which has a certificate of public convenience and necessity from the Colorado State Public Utilities Commission to operate as a common carrier.

(d) The term "Wholesale", when used in this ordinance, shall mean the sale or delivery to a hotel, restaurant, retailer, commission house, or to any other person, partnership, firm, corporation, association or agency for resale, either directly or indirectly, including resale as a part or an ingredient of a manufactured article.

SECTION 2.

LICENSE

Except as hereinotherwise provided, no person, partnership, firm, corporation, association or agency shall engage in the sale or delivery of any fruits, vegetables, poultry, eggs, butter or other merchandise at wholesale in the City of Grand Junction, without first having obtained a license to carry on such business from the City Clerk of said City of Grand Junction, and having

paid to the City Treasurer of said City for such license the sum of \$100.00 for each calendar year or fraction thereof; provided that if such business shall be conducted by motor truck or other vehicle, the aforesaid license fees shall cover the right to use in such business one such vehicle only, and any person, partnership, firm, corporation, association or agency using more than one such vehicle in such business shall pay for the privilege of so conducting such business, an additional \$25.00 per calendar year or fraction thereof for each additional vehicle used in such business; the license fee herein provided for is for the privilege of carrying on such business within the City of Grand Junction; provided further, however, that this ordinance shall not apply to common carriers making deliveries as such common carriers, nor to any person, partnership, firm, corporation, association or agency selling or delivering from any established place of business located within the City of Grand Junction, when such sale or delivery is made by or for the person, partnership, firm, corporation, association or agency operating such regularly established place of business, nor to any farmer or producer registered as hereinafter provided, including a regular employee of any such farmer or producer, when selling or delivering any such fruits or vegetables as have been actually grown and produced by such farmer or producer within the State of Colorado, nor to any person, merchant, or manufacturer within the scope of the provisions of Section 74, Article IX, of the Charter of the City of Grand Junction.

SECTION 3.

Any person, partnership, firm, corporation, association or agency violating any of the provisions of this ordinance shall, upon conviction, be fined in a sum not more than \$300.00.

SECTION 4.

REGISTRATION BY FARMERS AND PRODUCERS

Any farmer or producer desiring to sell or deliver within the City of Grand Junction, any fruits, vegetables, poultry, eggs, butter, or other merchandise actually grown or produced by such farmer or producer, may obtain a certificate of registration therefor upon application to the City Clerk of said City, Such certificate of registration shall authorize the holder thereof to sell only fruits, vegetables, poultry, eggs, butter or other merchandise actually produced by such holder; the sale or delivery by such holder of any fruits, vegetables, poultry, eggs, butter or other merchandise which shall not actually have been produced by him or it without obtaining a license as provided for in Section 2 hereof, shall constitute a violation of this ordinance.

SECTION 5.

ISSUANCE OF LICENSE AND/OR CERTIFICATES OF REGISTRATION

(a) All licenses and/or certificates of registration required by this ordinance shall be issued in the manner and form, and subject to the conditions and regulations prescribed by Sections 1 to 6, inclusive, of Ordinance No. 238, as amended by Ordinance No. 397, of the City of Grand Junction, and any subsequent amendments thereof.

(b) Before any license shall be issued under Section 2 hereof, the applicant therefor shall file with the City Clerk of the City of Grand Junction a bond in the penal sum of \$500.00 in favor of the City of Grand Junction, and executed by an incorporated Surety Company operating in said City of Grand Junction, conditioned that said licensee shall fully comply with all ordinances of the City of Grand Junction relating to the conduct of the business thereby authorized, and will pay all judgments rendered against such licensee for any violation of any such ordinance, or for any damages arising out of any misrepresentation or deceit practiced by such licensee in the conduct of the business licensed thereunder. The bond herein provided for may be sued upon in the name of the City of Grand Junction by and for the use of any person or persons or organization injured by the breach of any condition thereof.

SECTION 6.

ORDINANCES RELATING TO INSPECTION OR PEDDLING NOT REPEALED

Nothing in this Ordinance shall be construed to supersede or repeal any ordinances now or hereafter in effect in the City of Grand Junction, relating to peddlers or hucksters selling direct to consumers, or to restaurants and hotels, or to the inspection of goods, wares and merchandise sold or offered for sale in the City of Grand Junction.

SECTION 7.

RENEWALS AND REVOCATIONS OF LICENSE OR OF CERTIFICATE OF REGISTRATION

Any license or certificate of registration issued hereunder may be revoked by the City Council for violation of the provisions of this ordinance by the holder thereof, after a hearing, notice of which hearing shall be given to the holder of the license or certificate of registration at least 5 days prior to the date of such hearing, such notice to be served by registered mail, addressed to the holder of the license at the last address given by such holder to the City Clerk, and proof of mailing such notice shall constitute sufficient evidence of service thereof; any license or certificate of registration, not revoked, may be renewed from year to year by paying the fees herein provided; no part of the fees paid for a license shall be refunded in case of revocation or surrender of such license.

SECTION 8

REPEAL

All ordinances or parts of ordinances of the City of Grand Junction in conflict herewith are hereby repealed.

SECTION 9.

CONSTITUTIONALITY

The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional or void for any reason such decision shall not affect the validity of the remaining provisions of this ordinance. It is hereby declared the intention of the City Council that no part of this ordinance is an inducement to the enactment of any other part hereof, and that this ordinance would have been adopted by the City Council had the part declared to be unconstitutional or void not been included herein.

SECTION 10.

SAFETY CLAUSE

The City Council is of the opinion and finds, determines and declares that this ordinance is necessary for the preservation of the public health and safety, and that a special emergency exists therefor; and this ordinance shall therefore be effective and in force from and after its adoption.

Passed and adopted this 25th day of September, A. D. 1933.

/s/ Allen C. Holcombe
President of the Council

ATTEST:

/s/ Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing emergency ordinance entitled, "AN ORDINANCE RELATING TO THE ENGAGING IN THE BUSINESS OF SELLING AND DELIVERING FRUITS, VEGETABLES, POULTRY, EGGS, BUTTER, AND OTHER MERCHANDISE AT WHOLESALE WITHIN THE CITY OF GRAND JUNCTION, AND PROVIDING FOR A LICENSE THEREFOR, AND FOR AN OCCUPATION TAX TO BE PAID FOR SUCH LICENSE, AND FOR GIVING OF BOND BY SUCH LICENSEE AND PROVIDING EXEMPTIONS FROM THE PROVISIONS HEREOF, AND PENALTIES FOR THE VIOLATION HEREOF", was introduced, read, passed, numbered 504, and ordered published by the unanimous vote of the members of the City Council of the City of Grand Junction, at a regular adjourned meeting of said Council held on September 25, 1933.

IN WITNESS WHEREOF, I have set my hand and affixed the
official seal of said City this 25th day of September, A. D. 1933.

/s/ Helen C. Tomlinson
City Clerk

Published September 27, 1933